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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

—

PART 64.

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JAN.–JUNE 1929.

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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO

PART 64

JANUARY TO JUNE 1929

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Further Correspondence respecting Morocco.

Part 64.

CHAPTER I.—FRENCH ZONE.

[W 296/296/28] No. 1.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(*Received January* 10.)

(No. 2.)

Sir, *Rabat, January* 3, 1929.

IN my despatch No. 15 of the 26th January last I had the honour to report on the rumours then current of the possible departure of M. Steeg from the post of Resident-General in French Morocco, and to submit various considerations suggested by that possibility. Those rumours were premature, for M. Steeg returned to Rabat in due course with a prestige somewhat enhanced by his success in securing the sanction of the French Government and Parliament for the new Moroccan loan. His critics in Morocco became less active, if not less hostile. Even when the questions of security and native policy were brought to a head by the Oued Zem outrage, his personal position did not seem to be weakened materially—a fact all the more remarkable as the French political crisis of November and the elimination of the Radical Socialists from the Government might have given his enemies their opportunity.

2. In these circumstances, the public announcement on the morning of the 2nd January of M. Steeg's resignation took most people by surprise. It was the direct result of the inclusion in the French Finance Law of an article declaring that members of the French Parliament might not be entrusted with administrative functions for more than a single period of six months. M. Steeg's appointment as Resident-General had been renewed on the 5th October in accordance with the Organic Law of 1875 for the usual period of six months. It is curious that the insertion in the Finance Law of an article which would necessarily make it impossible to do this again next April attracted no public attention in Morocco; all the more curious as the question of "incompatibilité parlementaire" has long been a live one, and M. Steeg was one of the very few political personages, if not the only one, who would be affected.

3. The Resident-General bided his time until the Finance Law had been voted by the two Chambers. He then immediately telegraphed to M. Briand to say that he wished to resign his office without awaiting the end of his six months. I enclose the texts of the telegrams exchanged. M. Steeg's language is barbed. He stresses the fact that the Chambers adopted the article in the Finance Law at the request of the Government. His "je ne puis" falls more than bluntly from the pen of a technical subordinate and a master of graceful French. He makes the point that his

missions in Algeria and Morocco were offered to him "spontaneously" by the Government. The real or apparent brusqueness of his decision is emphasised by the announcement, also made locally on the 2nd January, that he would leave Morocco on the 5th January.

4. The secret of M. Steeg's intentions was well kept. He held the usual receptions on New Year's Day and gave no hint of impending departure. I had some private conversation with him after presenting the congratulations of the consular corps. I was particularly struck by his cheerfulness and expansiveness. He had been touring the Fez district some days earlier. He spoke with enthusiasm of the development of that region, the progress of Fez itself and the impetus given to French colonisation, which he described as his great reason for pride. He went on to say that he had been extraordinarily well received by the native population of Fez, that the natives really did appreciate his work, and that he loved Islam. When he left the consuls for his colony, he seized the arm of M. Urbain Blanc with a positive jollity. In the evening I had a hint from the head of the Cabinet diplomatique of what was in the wind, but even M. Mérillon, who ranks high in residency circles, did not know then that all was definitely settled.

5. I need add little to what I wrote in my despatch under reference about M. Steeg's administration. He is justified in his claim to have given a new impulse to the economic development of Morocco. He probably underrates the danger of native resentment at a policy which makes that development depend so much on promoting the establishment of French settlers on land formerly owned or occupied by natives. To say that he has not reconciled the conflicting interests of natives and "colons" is merely to say that he has been unable to square the circle. He leaves behind him, however, an uneasy feeling that behind the façade of economic progress there is an unsatisfactory administrative situation. French people analyse the causes of this according to their varying political prepossessions and personal prejudices. On the whole, I think M. Steeg has done well in circumstances of difficulty, and, in my opinion, he can be accused of only one definite failure, namely, his failure to settle the urgent question of the reform of native justice. He has probably been wise in not attempting to solve prematurely the question of Grand Caids and little Caids and in not yielding to the clamour of those who think that natives generally are getting too uppish; he has certainly been wise in discountenancing military enterprises on a considerable scale in the Middle Atlas and Tafilelt.

6. Personally, I shall regret M. Steeg's departure. He has given the weight of his authority on the French side to the system, which I have tried to apply in agreement with the Cabinet diplomatique, of adjusting local differences in a spirit of mutual accommodation and avoiding as far as possible useless controversy over questions of principle. Our personal relations, though not intimate, have been most amiable. The illness of the King has given M. Steeg opportunities of expressing something more than conventional sympathy.

7. When the possibility of M. Steeg's disappearance from Morocco first began to be actively canvassed, personages of the greatest diversity were spoken of as possible successors. The article in the Finance Law happily excludes candidates of a definitely political complexion. There remained the choice between soldier and civilian. The French Government have decided to appoint M. Lucien Saint, the Resident-General in Tunis. This is a step in the direction of what was anticipated three years ago, when it was thought that M. Steeg, who had already made a position as a statesman of some eminence, would bridge the gap between Marshal Lyautey and a less considerable civilian. It may also be a step towards the realisation of the project of creating a separate department, or even a sort of Dominions Ministry, in Paris, to co-ordinate the administration of the French dependencies in Africa. But on this question, and on the political significance in France of M. Steeg's departure, I have no definite information. It may be assumed that he will take an active part in politics at home and will continue to be regarded as a possible Premier in certain contingencies.

8. You have received various reports from His Majesty's consul-general in Tunis regarding M. Saint's antecedents and character. On the two occasions on which I have met him I have been favourably impressed. He struck me as being an intelligent and clear-headed man with definite views, and I found him less *boutonné* than I had been led to expect. I can only hope that he will not be too much of a colonial for Morocco, and that, coming from a recently capitulatory country in which the problems presented by non-French communities have caused special difficulty, he will do nothing here that would militate against British interests, although in

some ways it would not, in my private opinion, be an unmixed misfortune if the whole question of the Capitulations were brought to a head in the near future rather than a few years hence.

9. I am sending a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN.

Enclosure in No. 1.

Le Télégramme de Démission de M. Steeg.

VOICI le texte du télégramme par lequel M. Steeg, Résident général de France au Maroc, a adressé sa démission à M. Briand à la date du 31 décembre:

"Par suite du vote sur les incompatibilités parlementaires intervenu à la Chambre et au Sénat, à la demande du Gouvernement, l'autorité du représentant de la République française au Maroc se trouve profondément atteinte en face de problèmes difficiles et multiples. Je ne puis, dans ces conditions, attendre la fin de ma mission, qui devait expirer en avril prochain, et je vous prie de m'autoriser à partir le 5 janvier pour la France.

"Je tiens à vous assurer de ma vive gratitude pour le concours et la confiance que vous m'avez accordés au cours des missions qui m'ont été spontanément attribuées par le Gouvernement en Algérie et au Maroc."

M. Aristide Briand a répondu à M. Steeg par le télégramme ci-dessous:

"Je ne puis, en agréant votre demande, que vous exprimer mon vif regret et ceux de tous les membres du Gouvernement auxquels j'ai fait connaître votre télégramme au Conseil des Ministres de ce jour. Au moment où prend fin une longue et heureuse collaboration dont je n'ai eu qu'à me louer, je tiens en mon nom et au nom du conseil à vous remercier des services que vous avez rendus dans l'accomplissement de vos importantes missions et de la façon dont vous avez su répondre à la confiance du Gouvernement, dans des circonstances particulièrement délicates."

[**W 474/296/28**] No. 2.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(*Received January* 16.)

(No. 8.)

Sir, *Rabat, January* 8, 1929.

WITH reference to my despatch No. 2 of the 3rd January, I have the honour to state that M. Théodore Steeg, the French Resident-General, left Rabat for Casablanca on the morning of the 5th January, and sailed for France the same afternoon in a Paquet steamer. By a coincidence unfortunate for him, another incident similar to those dealt with in the series of despatches ending with my No. 236 of the 19th December, 1928, occurred near Beni Mellal two days before he left. One of a party of three lorries engaged in a regular transport service run by a Frenchman in Casablanca was attacked by natives just outside that place. The lorry got through, but the chauffeur and his native assistant were wounded, the former rather seriously. The Residency promptly issued a communiqué blaming the drivers of the lorries for having driven over the road after regulation hours, a charge which has given rise to denials and recriminations. I do not think the incident important enough to report it separately, but I mention it in this despatch because of the way in which the question of growing insecurity in certain regions, especially that in which the latest attack took place, has been exploited by M. Steeg's critics as being an outcome of his policy. Those critics have not lost the opportunity of flinging final gibes at him.

2. M. Steeg received the Rabat consular corps on the 3rd January. Speaking for my colleagues and myself I was able, with perfect sincerity, to dwell on the excellent relations which had existed between us and the Residency during his tenure of office

and to add a few other remarks which I believe gratified him, including an expression of my own appreciation of his sympathetic attitude during the King's illness. The Resident-General prefaced his reply by speaking of the circumstances of his departure in language of a contained bitterness rather remarkable in an address to foreign officials. He spoke of the melancholy with which he was abandoning his task in this young and ardent country. He said he had been compelled to do so by a decision taken in Paris, the reasons for which he did not himself yet understand. He explained that when he undertook what was not merely an official charge but a mission in 1925, it was imposed upon him. He repeated with emphasis the word " imposed," and he said he could not remain in Morocco *à titre précaire*. He went on to tell us that, while he had been a French representative, he had also regarded himself as also being in some sort responsible for the exercise of a mandate given by Europe and as being bound to ensure respect for the system of treaties relating to Morocco. He had worked in that spirit and had worked with the consciousness that our eyes were upon him. " Son plus cher désir" (I here quote the communiqué issued after the interview, which, for obvious reasons, omitted some of his earlier remarks) " était d'avoir réussi à montrer aux représentants étrangers au Maroc le vrai visage de la France dans son aspect pacificateur et civilisateur et, au terme de sa mission, il éprouvait une légitime fierté à se dire qu'il n'avait rien négligé pour atteindre ce but élevé."

3. It has been stated here that the article in the Finance Law which precipitated the Resident's resignation was slipped in at the last moment when the law was being bandied to and fro between the Chamber and the Senate. If this is so, it would explain some of the singularities to which I drew attention in my despatch under reference. I now attribute the exuberance which marked M. Steeg's manner on New Year's morning to a certain excitement over a first-class " scrap " in the political arena, and I think that his considered reaction is one, not necessarily of complete dissatisfaction at being quit of a task which has been in many ways thankless, but of great soreness at the way in which he has been manœuvred out of it. The impression that the melancholy of which he spoke on the 3rd January was not affected was confirmed by a conversation which I had with his wife on the 6th January. Mme. Steeg, who has not yet left Rabat, spoke with feeling of the " tristesse " of her husband's send-off both from Rabat and Casablanca. Many people regret M. Steeg's departure, but the feelings of the majority range from more or less respectful indifference to an exultation more or less indecently expressed.

4. I am sending a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN.

[W 870/333/28] No. 3.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(*Received January* 30.)

(No. 27.)
Sir, *Rabat, January* 23, 1929.

I HAVE the honour to forward herewith a copy of a despatch from His Majesty's vice-consul at Fez, No. 1 of the 2nd January, enclosing a political report for the year 1928. Colonel Mackereth's report is of special interest at the present time, when a variety of circumstances have brought about a sort of stocktaking of the present position of the French in Morocco, and a change of Residents-General stimulates speculation regarding the future attitude of the responsible authorities towards the questions of the day. Those questions are all inter-connected, and they might be classified in various ways. For an understanding of Colonel Mackereth's report they may be divided under the headings of (*a*) security in the portions of the French Zone already pacified; (*b*) means to be employed for the extension of French authority in regions to which it has hitherto been extended very imperfectly or not at all; (*c*) the increase of the French element in the country, with its attendant repercussions on the natives; and (*d*) native administration, considered as a problem of government generally and as a problem affecting the imported European element.

2. I have adverted to the questions arising under those heads in many despatches. I will not deal with them now, except to the extent necessary to bring them into a general setting at the outset of a new régime.

3. As regards (*a*), a series of outrages since about the middle of 1927 has produced a feeling of widespread nervousness, if not alarm. They have not been numerous or individually very important, nor have they had for the most part any common character, least of all a common political character of a definite kind. There is, however, a real sense of insecurity, due to the neighbourhood of disaffected areas, in the region between Oued Zem and the Middle Atlas and in some other districts like those round Azrou and perhaps Midelt. Incidents elsewhere have stimulated a more general fear, not so much of disaffection as of the indiscipline of natives. Here in Rabat, a place ordinarily as tranquil and respectable as Hampstead, a sensation has been created during the last few days by the attempted kidnapping of a French baby in the main street of the new town by a Berber, whom some suppose to have acted from a superstitious belief in the protection against injustice secured by a child, some from more mercenary motives or from mania. My own Moorish butler, a mild but intelligent man, has warned my wife to beware of " les mauvais gens " when out of doors.

4. The problem of security has precipitated the problems under head (*b*) above. for the outrages on the confines of the Middle Atlas have raised the question whether the time has not come to deal drastically with the disaffected tribes in that area. I have been slow to believe that the French would do more than push their outposts forward as opportunity offered, engage in minor actions as required, and endeavour to contain the tribes as far as possible. But, as will be seen by another despatch from Fez, which I am forwarding in my despatch No. 28 of the 23rd January, there is now reason to believe that something much more considerable is contemplated. The even more difficult question of the reduction of Tafilelt comes under the same general head. If Midelt has been chosen as the centre of operations and they are to be directed by so outstanding a general as Marshal Franchet d'Esperey, it may be intended to tackle both problems. Finally, while there is no sign at present of any fundamental change in the French policy in regard to the Glaouis, a changed situation in the Middle Atlas might encourage the French to assert their authority more effectively in the areas where they at present rely on the Glaoui to maintain order.

5. Colonel Mackereth mentions one curious detail, namely, that the organiser of resistance to the French in the Midelt region, one Ali Rahou, is a deserter from the French Infanterie coloniale. He has since told me that he has had confirmation of this from an Englishman in the Foreign Legion, who states that it is quite a common thing for the posts on the Kasba Tadla front to be spoke to from the other side in French or German. Several attempts were made by the Legion last summer to round up Ali Rahou, but they failed.

6. The main question under head (*c*) is that of the extent to which French colonisation is to be pushed at the risk of outraging native feeling. The paragraph headed European Settlement in Colonel Mackereth's report is peculiarly interesting in this connexion. It indicates that in Morocco as it is to-day there are limits beyond which colonisation cannot easily be pressed, but those limits are not reached until after cause has been given for the complaint now frequently heard in certain quarters that Moors are being dispossessed of their land in order that it may be given to Frenchmen. Such a replacement may be defended on the ground that it is the best way to develop the potential riches of the soil, but it carries with it the germs of an agrarian question and ultimate political trouble.

7. It is harder to define the problems under the head of native administration. There is a general feeling that all is not well. Some will say that the native is hardly treated and point to the efforts of colonisation. Some will say that he is not dealt with firmly enough and point to the various signs of indiscipline referred to above. Others, more idealistic, will say that not enough is done for him to justify France in claiming to be engaged in a civilising mission. The various lines of criticism are not as mutually contradictory as some of them appear at first sight. It is agreeable that colonisation might so enrich the country as to be for the ultimate benefit of all alike, and that it need not entail any widespread discontent, if the Moorish population, sharing in a general prosperity, were firmly but justly and benignly governed. The trouble about the translation of the theory into fact is that the type of Frenchman who is the instrument of colonisation is the type most likely to " crow it over " the native; that his own authorities must often feel it incumbent on them to back him; that the native elements are too diverse to admit of general principles of firm government being of universal application or general measures producing uniform results; and, that finally, that while the defects of the present

system of native administration are patent, the problem of how to reform it without running counter to vested interests on the one hand and the ideas of the governed themselves on the other is very difficult. The portion of Colonel Mackereth's report dealing with kaids is of interest in this connexion. The kaids are not merely Governors, often oppressive, but judges, often unjust. It is now generally recognised that a reform of native justice is a crying need, but opinions have been so divided as to how it can best be accomplished that the question has been at a deadlock for some considerable time.

8. I am sending copies of this despatch and enclosures to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN

Enclosure 1 in No. 3.

Vice-Consul Mackereth to Consul-General Sir A. Ryan.

(No. 1.)

Fez, January 2, 1929.

Sir,

I HAVE the honour to submit to you a political report for the year 1928. In doing so I apologise for its length, which may well seem excessive in the absence of any political happening of outstanding importance to record. I have thought it not altogether without interest to go into some detail over kaidal abuses, which are undoubtedly exacerbating relations between the French and the Moors; although it cannot be said that the exasperation so produced has reached the pitch of seriously compromising the French tenure.

I have, &c.
GILBERT MACKERETH.

Enclosure 2 in No. 3.

Political Report on Events in the Fez Consular District in 1928.

MY report for 1928 is divided under three heads: The Military Situation, European Settlement and Native Feeling. This arrangement suggests itself as a means of examining the bulwark of military and European civilian penetration, which shows increased strength, in conjunction with the tide of discontent, which continues to set against the alien administration of native affairs. For the spectator, be he interested materially or not, it is only by constantly appraising the relative value of these opposing forces that he can hope to form an idea of the probable trend of the French occupation of Morocco. It has been contended that France must, for the sake of cohesion in her North and West African colonies, conquer the national aspirations of the Moors. Those who hold this opinion, place upon the French the obligation of suppressing Moorish individuality either by domination or by assimilation. Much that is fallacious has been written and said about the power of the French "race" to assimilate other peoples and make them content to enter with equality of status into French "civilisation." If equality of status were in fact offered then I might be prepared to go some way towards endorsing that view. The mingling of native and European blood, as a result of mixed marriages or concubinage, did not enhance the reputation of British dominion in India; it does nothing to help the French in North Africa. As for other equality of treatment, it has been my experience that it exists only in the fiction of official declarations and in no way enters into the life of the common people. It has, too, been held that the lavish expenditure on public works, which is so remarkable a feature of French colonial enterprise, is in itself a safeguard for French occupation by reason of the prosperity it brings. Past history does not confirm this theory and prosperity is a relative state. Thus, I am impelled towards the belief that the continuance of the French hold depends entirely upon the virility of the French people in opposition to the virility of the Moors. This problem is too complicated to warrant discussion in this local record.

Military Situation.

North Front.—This front, which is represented by the northern limits of the French Zone, is well organised along its whole length of 250 kilom. French and Spanish posts are in contact with each other; in many cases they are connected by telephone, and often by tracks. A metalled road now connects Fez and Ouezzan and cuts through the tribal areas of the Beni Zeroual and Beni Mestara. Another road joins Fez with Tizi Ouzli viâ Taounat and Ghafsai, and a narrow-gauge military railway follows the valley of the Ouergha from Ain Aicha to Ouezzan. The Spaniards on their side of the zonal boundary have made considerable progress on the main arterial road from Ceuta to Melilla, viâ Chechaouen and Targuist, running near to the boundary most of the way. A network of roads and tracks is rapidly spreading over the country contiguous to the zonal boundary on both sides in such a way that, provided troops are available, it should be possible to localise any future rebellion, such as the Riffian one of 1925, before it reaches such vast proportions. The improved communications facilitate commercial transport and already the valley of the Ouergha is being peopled by European, mainly French, settlers. All then is well in the north, but three acts of brigandage have recently concentrated attention on the unsubdued regions of the Middle Atlas and Tafilelt. After the murder and attack on Europeans by mountain tribesmen at Oued Zem in October, the French settlers in that region reiterated the demands, which they made after the kidnapping of 1927, for the pacification of the Middle Atlas. Following upon the attack on the military convoy near Colomb Bechar in December, the French in Algeria clamoured for the military occupation of Tafilelt. M. Steeg in an interview with a correspondent of the "Echo d'Oran" is stated to have expressed the view that the Middle Atlas must first be pacified and that only then might Tafilelt be attacked. It is not always realised how difficult both these operations are likely to be. The resistance in the region of Midelt is particularly well knit and, by the irony of fate, it is a French renegade, a deserter from the Infanterie coloniale, who had organised it. He goes by the name of Ali Rahou and has attracted other deserters from the Infanterie coloniale and the Foreign Legion. His band of Europeans is thought to be some forty strong. He himself is the battle chief for the mountain tribes and has reinforced their natural bravery with Western skill at arms. They are also well provided with rifles and machine guns taken from the French troops by raids and thefts. Moving, as they do, in very hilly country they present the possibility of being able to inflict heavy casualties on any expedition the French may send against them; and casualties among the troops are no longer looked upon so light-heartedly as they were up to 1925.

The road to Midelt, *en route* for Tafilelt, by Sefrou and Boulemane, instead of viâ Meknes and Azrou, is being rapidly pushed forward. The project for the railway to link up the Tangier–Fez line from Meknes to Oued Zem is at an advanced stage. Soon, therefore, the Tadla district will be so thoroughly organised that it should become a comparatively simple matter to clear up the Middle Atlas *bloc* of dissident tribesmen. When the Middle Atlas can be definitely rendered secure and the Riff menace forgotten, the dream of the military authorities to employ the troops now on guard in the north for the reduction of the tribes in South Morocco might become a reality. Tafilelt, however, seems to be attracting at the moment more attention than the Glawi tribes and the Sous. But Tafilelt presents a great physical difficulty in the scarcity of water. Water points in that region are rarely less than 40 kilom. apart and campaigning under such conditions calls for troops specially trained to desert warfare and demands a highly efficient and costly commissariat. Defeat here would, on top of all, certainly be a very disastrous one, and might well have repercussions unfavourable to the French elsewhere.

The Tafilelt oases are peopled by the sedentary discards from that mixture of nomadic races, Berber, Touareg, Arab and Hausaman, that inhabit the Sahara. The district that is now before the public eye centres around the oases of the tribes on the Algero–Moroccan frontier and the Ait Atta of the eastern foothills of the Atlas, yet it is only part of the much greater area of the whole of the south-east of Morocco and the south-west of Algeria. A "successful" operation here would be likely only to effect the conquest of the non-combative shop-keepers and drive off the nomads into the still more vast area of the Sahara proper, which in turn would lead to the question of the Reguebat Arabs of Rio de Oro, the Touaregs, and the Senussi of Southern Tripoli. The result would thus end in a prolongation of communications towards the south with no compensating reduction of the danger of raiding attacks from the flanks. Already a military reorganisation has made Gourrama the controlling centre of the Territoire du Sud-Est in place of Bou Denib.

This has brought greater security to the line of communications, and should in itself reduce the danger from raids, such as occurred in April 1928 near Bou Denib.

The murder for religious motive of a French officer, Capitaine Guitard, by his native orderly in December once again raises the question of the possibility of disloyalty of native troops. Opinions vary so much on this point and my own mind is far from made up; I therefore mention it without dwelling upon it.

European Settlement.

The settlement of Europeans appears to have reached its limits in the Meknes and Oudjda districts. In the first-named area, indeed, natives are buying back from Europeans some of the land that had been under European colonisation. The increasing tendency for the natives to stand out for higher wages from settlers than from Moorish employers is not without its influence in this connexion. In some cases native Jews have provided the capital for such transfers. In the Fez and Taza districts, however, some 50,000 additional acres have been taken up by settlers. Since January 1928 it is estimated that 8,000 odd additional Europeans have established themselves in the Fez urban and rural districts. Official estimates provide for a European population in the new town of Fez of some 40,000 in eight years' time. If the increases in the European population represent influxes into Morocco and not merely migratory movements of the internal European population, a sure step will have been taken towards ensuring the continuance of French or European domination in Morocco. Here it may be pointed out that a growing national consciousness of the Spanish element is not without its significance. A sidelight on this was recently brought into evidence when a number of the more discontented French inhabitants of the new town began a campaign to attain for the civil population liberty to nominate and elect the municipal council without interference from the Administration. Their clamourings were finally quieted when M. Courtin informed them, privately, that if such freedom were to be granted, then the municipal council would be dominated by Spaniards and Italians—this was an unpalatable pill, but it has cured the disease for the moment.

Native Feeling.

It is a commonplace saying among French functionaries in Morocco, as it was among the British officials in Egypt, that the rural population (in Egypt, the fellaheen) are well content with Western control, and would remain so were it not for the upsetting influence of the native *intelligentsia* of the towns. Superficially, this may appear to be the case, for it is the glib-tongued malcontent that gives a wordy form to the complaints of the ignorant people, less capable of expressing themselves. It may not, therefore, be out of place to go to some length to draw attention to one of the most serious, and in my view most justified, of the causes for discontent that do exist among the rural population.

Every tribe, whether Berber or Arab, is administered by a kaid, whose powers and duties were defined by a dahir of the 4th August, 1918; the kaid is usually assisted by a khalifa. In addition there are other assistants, called either sheikh or amghar. The various villages of a tribe are ruled by an amghar, a mukadam or a jari.

The Moorish idea of a kaid is really foreign even to Arab tribes, and his position finds no islamic justification. But some astonishment may be permissible over the introduction by the French of this tyrant to Berber tribes, which have been accustomed to be ruled by their Jemaa, a body not dissimilar from the Witan of early English times. His presence is an immediate challenge to the principle, so often proclaimed, of respect for native customs; it is one of the most serious indictments that the Berber tribes bring against French penetration.

At a conference in November, where the discontent among Berber tribes was being examined by the Resident-General, one of the most able intelligence officers did not hesitate to say, "Si nous devons admettre l'institution du caïdat comme une nécessité, même en pays berbère, il découle incontestablement de l'expérience en cours que le recrutement de ces fonctionnaires, leurs pouvoirs et leurs attributions, appellent des modifications profondes sous peine de compromettre délibérément les intérêts de la masse de nos protégés, et partant, sans aucun doute, de notre établissement au Maroc."

After some experience in this country I can certainly agree. I have frequently been amazed that the protectorate authorities should have placed so much confidence

in kaids, who, for the most part, are entirely illiterate and lacking in that general experience which alone could fit them for carrying out the delicate duties of a judge which are placed upon them by the dahir of the 4th August, 1918, and to apply the procedure, even when simplified to the greatest possible degree, laid down. (I do not here include those super-kaids of the south.)

The tribal kaid is usually a man until recently a simple mokhazni and who may never have moved beyond the limits of his own tribe. Suddenly he finds himself invested with a power of judging his fellow men, many of whom may have been yesterday his enemies. He is called upon to apply laws that he cannot read or understand; usually he is unprovided with a secretary (khodja) who could tell him what is published in the official gazettes. This man, who before the arrival of the French would have been judged by a council of his elders, is now, without the slightest preparation and only by the fact of his investiture as kaid, called upon, frequently without there being an appeal from his decision, to condemn persons up to two years' imprisonment and to fines up to 2,000 fr. These kaids are supposed to be under the control of a Government commissary, a Contrôleur civil, or officers of the service of native affairs, but it is notorious that the few Government commissaries in Morocco are to be found only in the large towns, whilst the Contrôleurs civils or army officers who fulfil, in the rural districts, the functions of Government commissary are nearly always new to the district in which they serve, owing to the very frequent changes, for this reason, if not for others, they are not infrequently incapable of controlling the native chiefs. As a consequence, the kaids' tribunals generally sit under no supervision; this allows the kaid the liberty of "arranging" the matters brought before him as suits him best. This frequently leads to just those miscarriages of justice that are so irritating to man. One of the best excuses to the native that the French had for occupying Morocco was the necessity of re-establishing order and authority in the country and protecting the weak from the exactions of the powerful; there is no doubt that many Moors had great hopes that what the French promised with such vehemence—justice—might thus come to bless their land. There is, however, little doubt that this boon has not yet been brought to the masses, notwithstanding the genuine effort that has in some directions been made to this end. It is freely said, not only among the natives but also among well-informed Frenchmen, that, far from having been helpful to the people in general, the French occupation has been harmful, inasmuch as, having disarmed the weaker members of the community, these have been delivered, tied hand and foot, to those in a position to exploit them. In other words, assassination, the natural way of escape from tyrants, has been barred by French bayonets. Under the system adopted it is hard to see how the situation could be different when it is remembered that these kaids are miserably paid. Apart from one or two exceptions who receive between 2,000 or 3,000 fr. a month, the pay of a kaid is generally fixed at six-tenths of the tertib tax collected from his tribe. This usually represents between 12,000 and 15,000 fr. a year for him. He has to keep up a considerable and pretentious household far beyond the means that he receives from the Government, pay for his mokhaznis, build a house, own a beautiful tent, keep fine horses well-harnessed, and it becomes almost imperative nowadays that he should own a motor car, if he is to keep himself in countenance with the tribe as its leading member. If this were all, the position would still be a bad one; but he is, in addition, frequently called upon to entertain guests that are sent to him by the generals commanding regions, and even by the Resident-General himself. Some of them are tourists without distinction and newspaper correspondents, sometimes persons of some note expected to carry back favourable tales to the countries of their origin. The kaid must dazzle his guests with the quantity of food and the number of dancers if he does not want to get out of the good books of the controlling authorities. Therefore, he must sacrifice sheep and poultry under the pain of being dishonoured before everybody, and, what is more odious, is often expected to provide burgundy and champagne at the exorbitant prices charged for these beverages. The consequence of all this is not difficult to understand; a kaid, however rich he may be, does not wish to dull his palm with the entertainment of every passing stranger, so he finds authority in the meagreness of his official emoluments to discover other resources. These are invariably to be found in the property of the tribesmen; thus, there are few decisions in the courts which are not paid for, not only by the winner but by his opponent, who hopes that by satisfying the judge's itch he may obtain some indulgence. Those who wish to be released from prison before their term is ended support their request with a few francs, those who wish to escape from

forced labour on the roads or elsewhere, those who want a permit to leave the tribal area, or hope that a fault may be overlooked, purchase such advantages Under the cloak of obligatory hospitality native chiefs make frequent demands upon their tribesmen, requisitioning not only sheep but butter and oil and other forms of food. But as the kaid does not entertain guests every day of the week the surplus goes to swell his own resources, he is thus nourished free and in turn, it must be noted with regret, much of this food finds its way to the tables of French intelligence officers and civil controllers, who in such cases oversee, as compounders in the felony, with unseeing eyes. The kaid also makes claims on the tribesmen that they shall plough his lands and build his buildings; this forced labour is known as "tweeza." This, of course, is in theory forbidden. So it is sometimes done in spite of French control, but more frequently with its tacit consent and sometimes under actual authority from the French official. It is not unusual to find 300 or 400 men with animals busy at work on kaids' lands.

Speculation in land has also been a fruitful source of income to those native officials in whom the French have invested such power. Kaids in many cases have been known to appropriate land from their charges at low prices or in satisfaction of some insignificant debt, a kaid-imposed fine or a bribe. He has then found Europeans anxious to pay anything from 500 to 2,000 fr. a hectare for land which he himself has obtained for 20 fr. or even less. It is popular rumour, in which I fear there is more than a little truth, that highly-placed officials and army officers have shared in this land-grabbing business. The malpractices of the highly-placed native officials are readily copied by those occupying stations of less importance.

There are other elements of dissatisfaction, of which the methods adopted by the Government to obtain land for settlers, forced service in native levies during military operations, requisitioning of food and forage for troops and forced and inadequately paid work on roads form subjects for less pronounced grievance.

It is possible that the Young Fezzi encourages the spirit of opposition in the country districts to the French, but in the towns themselves there are many things the citizen finds to grumble about, and, rightly or wrongly, but in any case, naturally, lays the blame on the foreign administrator. In previous reports I have drawn attention to the fact, distasteful to the Moslem population, of the increasing influence of the Jewish minorities. A wit has said that the French are making of Morocco a land for the Jews. I have also touched from time to time on the Young Fezzi movement, which has sometimes been loosely called Wahabism. In February alarm arose owing to official belief that Communist propaganda was beginning to influence the neo-Moslem spirit among the younger members of the Moorish *bourgeoisie*. This was little more than a scare, but nevertheless the year has marked, I think, a very slight increase in the popular sympathy with the aims of those who seek political liberty. Education by way of correspondence courses becomes increasingly common; I am told that there are about 300 young Moors in Fez who take them, the majority following the instructions so given with considerable application. The constant effort of the so-called Wahabites has been to discredit the Zawias—that group of religious sects which have in the past been the real rulers of Morocco. It was to these confraternities that the French appealed when they came first to penetrate into the interior of Morocco. This had been the successful method employed in Algeria. So by gifts and cajolements the majority of the religious fanatics were won over to preach acquiescence in French control. Those Moors who were nationally minded were not slow to see the necessity of breaking down the hold that these brotherhoods had over the bulk of the people, especially in the towns. So they set to work to discredit them, first on political and then on religious grounds. They are succeeding more rapidly than at first seemed likely. With the waning influence of the leaders of the sects, the French are finding it much more difficult to exercise authority over the native without resorting to physical threats. Threats of physical action are all very well provided it does not lead to the temptation of carrying them into effect. It grows increasingly hard to raise enough spectators to produce that "spontaneous joy" considered necessary to welcome the arrivals of French Residents-General. If the Young Fezzis succeed entirely in removing Zawia influence, the French will find themselves obliged to appeal directly to the multitude—this will be harder than perhaps some of them realise.

In July last a thirty-page letter was sent to the President of the French Republic and *signed* by Abdeslam Lahlou, Abdeslam Marrakshi and the Kadi Bel Korchi, vilifying the French administration in Morocco and complaining, in particular, of the handling of a local land dispute by the authorities to the advantage of some

French settlers and the disadvantage of some surrounding tribes. Doubtless copies have been widely circulated, and form a far more damaging propaganda than any coming from Communist societies. The growing impertinence of the natives is ominously reminiscent of the beginnings of our troubles in Egypt towards the close of the last century. It would almost seem that the French scorn to take a lesson from our experiences; they have yet to grasp fully the platitude that no alien administration can last which is not popular with those ruled by it. Lyautey lived under the flattering belief that the natives were favourably affected by his personality, whilst sometimes it would seem that M. Steeg thinks that this illiterate people understand his sparkling speeches. The French had in January last, it was officially stated, 83,000 troops in Morocco (not including tribal levies); to-day, I believe the number is not very much less. Therein, perhaps, lies the whole secret of the French grip on this land, in spite of the little concealed dislike of the natives for them. Such intimidation in itself is unlikely to destroy the virility of the Moors, and there can be no gainsaying that thay have not ceased to look forward to political freedom.

GILBERT MACKERETH.

Fez, January 1, 1929.

[W 2000/296/28] No. 4.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(Received March 5.)

(No. 44.)

Sir, *Rabat, February* 25, 1929.

WITH reference to my despatch No. 8 of the 8th January, relative to the departure of M. Steeg from Morocco, I have the honour to state that his successor at the Residency-General, M. Lucien Saint, arrived at Casablanca on board the cruiser "Duguay-Trouin" on the morning of the 21st February and, after a heavy day in that place, came on to Rabat on the 22nd February.

2. Following what seems to have become the settled practice on the first arrival and final departure of Residents-General, the Sultan proceeded to Casablanca and received M. Saint's first visit at his Palace there. I enclose the text of the speeches exchanged, as published in the "Echo du Maroc" of the 22nd February.* They were naturally of a conventional character in the main, but it will be observed that the Resident, at once comparing and contrasting Morocco with Tunisia, emphasised the very special respect due here to the Sultan's position and the traditional institutions of the Empire; while the Sultan, using the admirable French doubtless of M. Marc, spoke in one passage of the necessity for reform in certain of those institutions.

3. M. Saint received large numbers of representative people at Casablanca. I have not yet seen any textual reports of his utterances, but a good idea of what passed is given in a leading article headed "L'Accueil" in the "Vigie marocaine." I enclose a copy of this article.*

4. M. Saint came by rail to Rabat but left the train at the suburban station and made a State progress through the town, in the course of which various presentations were made in the principal square. Great preparations had been made to do him honour, including the erection of a triumphal arch and the mobilisation of large numbers of tribesmen from the countryside. In the afternoon he held a series of receptions at the Residency. The first of these was for the consular corps, who attended in uniform. M. Saint, similarly attired, was supported by the delegate at the Residency and the secretary-general, the two highest officials in the civil hierarchy. In the short speech which I made as doyen I took advantage of what M. Steeg had said when taking leave of us, to introduce a gentle reference to the international background of the position of non-French foreigners in the French zone. M. Saint responded with great cordiality, and assured us of his regard for treaties and the necessity for collaboration with foreign interests. He showed peculiar tact and courtesy in a series of short conversations which he had with each of us afterwards, although even he was a little stumped by the presence of an Argentinian consul-general, who coyly admitted that he was himself his only *ressortissant* hereabouts and referred to the interests of his country at Dakar.

* Not printed.

5. M. Saint has a good press and, I should say, very good press agents. He is evidently anxious to be all things to all men. If the newspapers exaggerate the enthusiasm of his reception, there is no doubt that his appointment has been a popular one in Morocco. It has been all the more popular because of the very general unpopularity of M. Steeg at the end of his tenure of office, although I am glad to say that the new Resident's own language in speaking of his predecessor has been more than correctly appreciative. The principal appointment which he has made has enlisted general approval. He has chosen as head of his cabinet militaire General Noguès, a distinguished officer who played an important part in the early stages of the Riff war, and he has invested him also with the office of Director-General of Native Affairs, an arrangement obviously intended to secure liaison under the immediate control of the Resident between the military authorities and the existing civil organisation for dealing with native questions. The only other appointment of importance which has been announced so far has been that of a M. Catat to be head of the cabinet civil. This gentleman was diplomatic secretary to M. Saint in Tunis, and I have had a very favourable account of him from my colleague there.

6. The general impression created in Rabat by the appointments just mentioned and by M. Saint's general attitude is that his advent will be marked by somewhat of a return to the Lyautey traditions. It pleases many to think that the Residency at any rate will be run with greater state and ceremony than it was during M. Steeg's occupancy.

7. So French Morocco opens the third chapter of its evolution. Behind all the parade there is a general realisation that grave problems await solution. That realisation is shared by M. Saint, who is certainly a man of intelligence and clear vision and who does not seem to lack personality or the power of decision. Whether a régime so happily begun will end in disillusionment and yet another departure on board a paquet steamer remains to be seen.

8. I am sending copies of this despatch and enclosures to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN.

CHAPTER II.—TANGIER ZONE.

(a.) Accession of the Powers to the Protocol of 1928 and Entry into Force.

[W 99/1/28] No. 5.

M. van Swinderen to Sir Austen Chamberlain.—(*Received January* 3.)

(No. 9.)
Sir,

Netherlands Legation, London, January 2, 1929.

WITH reference to your note of the 4th December last, having regard to the agreements of the 25th July, 1928, revising the Tangier Convention of the 18th December, 1923, I have been instructed to communicate to you the attitude of the Netherlands Government in the matter, which is as follows:—

The Netherlands Government remain of opinion that objections can be raised against the procedure of the fixing in paragraph IV of Agreement A, revising the Statute of Tangier, of a date on which the revision shall come into force, before obtaining the consent of all Powers concerned. However, the Netherlands Government, having taken note of the detailed statement in the British note, appreciating the effort made by His Majesty's Government to give satisfaction to the Netherlands point of view, and wishing on their part to show an equally conciliatory spirit, have taken steps to obtain as soon as may be possible the consent of the States-General to the adhesion, on the part of the Netherlands, to the agreements revising the statute of 1923.

I have, &c.
R. DE MAREES VAN SWINDEREN.

[W 324/1/28] No. 6.

Earl Granville to Sir Austen Chamberlain.—(*Received January* 11.)

(No. 5.)
Sir,

Brussels, January 7, 1929.

WITH reference to your despatch No. 864 of the 28th December last and to my telegram No. 1 of the 3rd instant, I have the honour to transmit herewith copy of a note which I have received from the Belgian Government announcing the acceptance by Belgium of the Tangier Protocol of the 25th July, 1928.

I have, &c.
GRANVILLE.

Enclosure in No. 6.

M. Hymans to Earl Granville.

M. l'Ambassadeur,

Bruxelles, le 7 janvier 1929.

PAR sa lettre du 15 octobre dernier, Mr. H. Knatchbull-Hugessen a bien voulu, d'ordre de son Gouvernement, solliciter l'adhésion de la Belgique aux accords relatifs au Statut de Tanger, conclus entre l'Espagne, la France, la Grande-Bretagne et l'Italie le 25 juillet 1928 et ratifiés par les Puissances signataires le 14 septembre de la même année.

J'ai l'honneur de faire savoir à votre Excellence que le Gouvernement du Roi a pris connaissance des modifications apportées, par le protocole du 25 juillet dernier et les accords y annexés, à la convention du 18 décembre 1923 relative à l'organisation du Statut de la Zone de Tanger, au Règlement de la Gendarmerie, au dahir sur l'administration de la zone, au dahir sur l'organisation d'une juridiction internationale et à l'annexe à ce dernier dahir, et enfin au Code pénal de la zone.

Le Gouvernement belge est d'accord pour que le commandement de la gendarmerie ne soit pas confié à l'avenir à un officier de l'armée belge ainsi que le prévoyait la convention de 1923.

Il prend acte d'autre part, avec satisfaction, de l'amendement à l'article 1er du dahir sur l'organisation d'une juridiction internationale en vertu duquel le Tribunal mixte de Tanger comprendra désormais un magistrat belge parmi ses membres titulaires. Le nom du magistrat qui sera désigné pour occuper ce poste sera notifié ultérieurement aux quatre Gouvernements signataires du Protocole final.

Quant aux autres modifications ou innovations prévues par les récents arrangements, elles ne soulèvent pas d'observation de la part du Gouvernement belge.

En conséquence, après avoir pris les ordres du Roi, mon auguste Souverain, j'ai l'honneur de faire savoir à votre Excellence que la Belgique adhère au protocole du 25 juillet 1928 et aux accords y annexés, relatifs au Statut de la Zone internationale de Tanger.

Je saisis, &c.
HYMANS.

[W 470/1/28] No. 7.

Sir C. Barclay to Sir Austen Chamberlain.—(Received January 16.)

(No. 11.)
Sir, *Lisbon, January 11, 1929.*

IN my telegram No. 3 of yesterday's date I had the honour to report that the Portuguese Government had decided, in deference to the wishes of His Majesty's Government, to accede to the Tangier Protocol of 1928.

2. The Minister for Foreign Affairs, whom I visited in order to receive the decision of his Government, made it clear that he had had no little difficulty in inducing his colleagues in the Cabinet to take this step. But his Excellency explained that he himself had been most anxious to give proof of his earnest desire to work in close co-operation with His Majesty's Government, and had been extremely reluctant to refuse the first request which I had had occasion to make of him. In thanking him, I said that I felt sure that you would be much gratified, but observed that, of course, His Majesty's Government were not the only parties interested in this solution of the question. Commander Quintão Meyreles emphasised that the Portuguese Government had not modified the views expressed in his predecessor's note of the 3rd December, a translation of which accompanied my despatch No. 411 of the 8th December last. No doubt, then, when the statute is next reviewed in 1933, they will look to His Majesty's Government for support in their desire for recognition.

3. When I told my Spanish, French and Italian colleagues yesterday afternoon that they would probably be receiving notes from the Portuguese Government in the next few days informing them of their intention to accede to the protocol, they were as surprised as they were delighted, as they had remained under the impression, after their conversation with Commander Mesquita Guimarães on the 6th December (see my despatch No. 406 of the 7th December), that the Portuguese Government would not give way.

4. I understand from the Minister for Foreign Affairs, whom I had occasion to see again to-day when I presented to him the new naval attaché to His Majesty's Embassy, Captain G. W. Hallifax, that a decree is being prepared and will be published within the next few days authorising the accession of Portugal to the new Statute of Tangier. I shall not fail to forward translation of the decree and of the note of the Minister for Foreign Affairs as soon as received.

I have, &c.
COLVILLE BARCLAY.

[W 502/1/28] No. 8.

Sir C. Barclay to Sir Austen Chamberlain.—(Received January 17.)

(No. 15.)
Sir, *Lisbon, January 13, 1929.*

WITH reference to my telegram No. 5 of yesterday's date, I have the honour to transmit herewith translation of the note from the Minister for Foreign Affairs dated the 12th January, communicating the decision of the Portuguese Government to accede to the new Statute of Tangier, and stating that the necessary legal steps are about to be taken in that sense and the corresponding notifications made.

2. As reported by telegraph, I again *verbally* conveyed to Commander Meyrelles yesterday the thanks of His Majesty's Government for the decision of the Portuguese Government and your appreciation of their friendliness. I shall await your instructions in case you should wish me to renew your appreciation in a written acknowledgment of the Portuguese note.

I have, &c.
COLVILLE BARCLAY.

Enclosure in No. 8.

Commander Meyrelles to Sir C. Barclay.

(Translation.) *Ministry for Foreign Affairs, Lisbon, January 12, 1929.*

M 'Ambassadeur,

IN a note dated the 4th December last addressed to my predecessor, your Excellency solicited, in the name of your Government, the accession of the Portuguese Government to the new Tangier Statute of the 25th July, 1928, which was ratified on the 14th September by the four signatory Powers. Subsequently your Excellency was so good as to inform me verbally how anxious His Majesty's Government were that the reply of the Government of the Republic should be communicated to them without delay as the Statute was about to be put into force.

As I had the honour to inform your Excellency, the Government decided at a Ministerial Council to comply with the request of the British Government and the other signatories to accede to that Statute. The necessary legal steps are about to be taken in that sense and the corresponding notifications will be made. While informing your Excellency of this decision, however, I beg leave to point out, as I have already done verbally, to what great extent this is a proof of the friendliness of the Portuguese Government towards His Majesty's Government and of fidelity to the policy which, since Algeciras, Portugal has adopted in regard to her ally and the other Powers with whom she is united.

Without wishing to set forth afresh the Portuguese aspirations, which were based upon a situation incontestable in fact and equally so in principle, I cannot fail to express to your Excellency on this occasion the grief that it causes me that it has not been found possible to accede to the just pretensions of Portugal.

I trust that, not only during any future revision of the new Statute but also in the contemplated judiciary organisation, His Majesty's Government will receive any Portuguese suggestions in that friendly spirit which is mentioned in your Excellency's note of the 23rd November, to which the Portuguese Government invariably respond, as is shown by the decision which has now been taken and which I hope will be appreciated by His Britannic Majesty's Government.

I avail, &c.
MANOEL CARLOS Q. MEYRELLES.

[W 695/1/28] No. 9

Mr. Gurney to Sir Austen Chamberlain.—(Received January 25.)

(No. 12.) *Tangier, January 17, 1929.*

Sir,

I HAD the honour to report in my telegram No. 4 of the 14th instant that the necessary steps had been taken to bring into force on that day the protocol signed in Paris on the 25th July last for the revision of the Tangier Statute of 1923.

2. The dahirs issued by the Sultan in conformity with the provisions of this protocol only reached me through the Mendoub on the morning of the 14th, when a meeting of the Committee of Control, which I had summoned for 10 o'clock, had already assembled.

3. On my proposing that we should proceed at once to their examination, the Netherlands consul-general made the following statement:—

"Le Gouvernement néerlandais m'a autorisé à coopérer aux travaux du Comité de Contrôle en faisant toutes mes réserves au point de vue du droit formel par rapport aux nouvelles dispositions du Statut de Tanger jusqu'à ce que les États généraux des Pays-Bas aient approuvé le projet de loi ayant trait à l'adhésion des Pays-Bas au protocole de 1928 et que l'adhésion du Gouvernement néerlandais ait pris le caractère formel d'un traité."

3. I had ascertained prior to the opening of our sitting that the Portuguese consul-general was without instructions from his Government, but on my showing him Sir C. Barclay's telegrams Nos. 4 and 5 of the 12th instant, he had agreed to act with the rest of us, with the reserve that his action was subject to the approval of his Government. He accordingly made a statement to this effect, which was duly recorded in the minutes.

4. We then proceeded to examine the dahirs themselves. They were five in number, the first four providing for the revision of certain articles of the dahir in regard to the administration of the zone, of the dahir on the organisation of an international tribunal, of the annex to that dahir, and of the Penal Code of the zone, and the fifth bringing these dahirs into effect as from the 14th instant. We found that they were in conformity with the provisions of the protocol, and agreed that they were consequently automatically applicable to the zone under article 8 of the convention of the 18th December, 1923, as revised by the protocol.

5. I was accordingly authorised, as president of the Committee of Control, to communicate the dahirs to the Administrator and the Mixed Court with the intimation that the protocol was regarded as coming into force from the 14th.

6. A meeting of the Assembly was held on the following afternoon, at which it had been arranged that the new Italian delegates should be present. The relevant passage in the dahir altering the provisions of the statute in regard to the composition of the Assembly was first read, and after the Dutch representative had made a statement in regard to the reserves formulated by his Government, a letter was read from the Italian consul-general accrediting the Italian delegates. I enclose herein the text of a speech made by M. Saurin, the French vice-president, welcoming them to the Assembly.* It is of some interest as affording an indication of the spirit animating that body.

7. I may add that, in accordance with the arrangement reported in my despatch No. 158 of the 12th ultimo, I have transferred the presidency of the Committee of Control to the Italian consul-general as from the 15th instant. At his request we invited him to attend our last meeting unofficially in order that he might obtain some insight into our methods of procedure.

A copy of this despatch is being sent to Rabat.

I have, &c.
HUGH GURNEY.

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* Not printed.

[W 2726/1/28] No. 10.

General García Rosado to Sir Austen Chamberlain.—(Received March 23.)

Portuguese Embassy, London, March 22, 1929.

Sir,

HIS Britannic Majesty's Ambassador at Lisbon having solicited of my Government the adhesion of Portugal to the new Tangier Statute signed in Paris on the 25th July, 1928, and ratified by the signatory Powers, Great Britain, France, Spain and Italy, on the 14th September of the same year, I am directed to inform your Excellency that the Portuguese Government, ever faithful to their sentiments of traditional loyalty to their ancient ally, have decided to grant this adhesion, and will, for that purpose, take steps to comply with the necessary formalities.

As has already been stated, my Government are certain that the important moral and material interests of Portugal in Tangier are acknowledged by His Majesty's Government and by the Governments of the other Powers, and, in consequence, desire to express their confidence that, when the first opportunity arises, the position of Portugal will be considered.

I avail, &c.
TH. A. GARCÍA ROSADO.

[W 2726/1/28] No. 11.

Sir Austen Chamberlain to M. João de Barros Ferreira da Fonseca.

Sir, *Foreign Office, March 28, 1929.*

I HAVE the honour to acknowledge with thanks the receipt of General Thomas García Rosado's note of the 22nd instant, in which he was good enough to inform me that the Portuguese Government have decided to accede to the Tangier protocol signed in Paris on the 25th July, 1928, and that they will take steps to comply with the necessary formalities.

2. I need not assure you that His Majesty's Government are deeply gratified at this fresh proof of the loyalty of Portugal to the traditional alliance with this country, and I am happy to repeat to you the assurance already given to the Portuguese Government, through His Majesty's Ambassador at Lisbon, that when the Tangier Statute comes up for revision His Majesty's Government will examine in a friendly spirit any suggestions that the Portuguese Government may wish to put forward.

I have, &c.
AUSTEN CHAMBERLAIN.

[W 3323/1/28] No. 12.

Mr. Gurney to Sir Austen Chamberlain.—(Received April 11.)

(No. 65.) *Tangier, April 3, 1929.*

Sir,

I HAVE the honour to transmit herewith copy of a letter communicated to the Committee of Control by the Portuguese consul-general announcing the adhesion of Portugal to the protocol of the 25th July, 1928.

I have, &c.
HUGH GURNEY.

Enclosure in No. 12.

M. Barjona to M. de Facendis.

M. le Président et cher Collègue, *Tanger, le 25 mars* 1929.

COMME suite à la déclaration que j'ai faite à la séance du Comité de Contrôle, du 20 courant, j'ai l'honneur de porter à votre connaissance que, par décret en date du 15 janvier 1929, le Gouvernement portugais fut autorisé à adhérer au protocole signé à Paris le 25 juillet 1928 par les plénipotentiaires d'Espagne, de France, de Grande-Bretagne et d'Italie, relatif à la revision du Statut de Tanger.

Cette adhésion fut dûment notifiée à Paris le 29 janvier dernier.

Je vous serai bien obligé, M. le Président, de vouloir bien porter ce qui précède à la connaissance de mes honorables collègues du Comité de Contrôle.

Veuillez, &c.

Le Consul général du Portugal,

BARJONA.

[W 3969/1/28] No. 13.

Sir O. Russell to Sir Austen Chamberlain.—(Received April 26.)

(No. 152.)

HIS Majesty's Minister at The Hague presents his compliments to the Secretary of State for Foreign Affairs, and, with reference to his despatch No. 489 of the 31st December last, has the honour to report that the accession of the Netherlands to the Agreement of Paris of 1928 for the modification of the convention of 1923 relating to the organisation of the statute of the Tangier zone was approved by the Netherlands Law of the 20th March, 1929.

2. This law came into force on the 18th instant.

The Hague, April 19, 1929.

(b.) Reform of the Mixed Tribunal.

[W 1753/1/28] No. 14.

Sir C. Barclay to Sir Austen Chamberlain.—(Received February 27.)

(No. 72.)

Sir, *Lisbon, February* 21, 1929.

WITH reference to your despatch No. 36 of the 24th January on the subject of Portuguese accession to the Tangier Protocol, I have the honour to transmit herewith copy of a memorandum handed to me yesterday by the Minister for Foreign Affairs, in which it is suggested that the reform of the judiciary system of Tangier, now under consideration, offers an opportunity of satisfying Portuguese aspirations for representation. This suggestion was foreshadowed in the last paragraph of the Portuguese note of the 12th January, a copy of which was forwarded in my despatch No. 15 of the 13th January.

2. Commander Meyrelles explained that he had already instructed General Rosado to make a similar communication in London, but, as the question of Portuguese accession to the protocol had also been dealt with here, he hoped that I would send you a copy of his memorandum.

I have, &c.

COLVILLE BARCLAY.

Enclosure in No. 14.

Memorandum respecting the Reform of the Judiciary System of Tangier.

LE consul général du Portugal à Tanger a été saisi par son collègue de France du projet Dumas relatif à la réforme judiciaire de la Zone de Tanger. Le consul s'est borné à présenter quelques remarques sur les points qui lui ont semblé les plus importants et d'accord avec les instructions de son Gouvernement.

Le Ministre des Affaires étrangères, en informant son Excellence l'Ambassadeur d'Angleterre, ne peut s'empêcher de présenter à Sir Colville Barclay quelques autres remarques.

Le Portugal ayant donné son adhésion au nouveau Statut de Tanger, le Gouvernement portugais ne veut nullement créer des difficultés à la réforme proposée. Mais l'examen du projet lui suggère quelques réflexions.

L'article 1er du projet Dumas augmente le nombre des magistrats de deux magistrats non résidants. C'est précisément la confirmation du point de vue soutenu par le Gouvernement portugais, que, par un acte postérieur au protocole du 25 juillet 1928, satisfaction pouvait être donnée à une des demandes du Portugal, car rien ne s'opposerait à ce que le nombre des magistrats non résidants fût porté à trois ou que l'un d'eux fût de nationalité portugaise.

Le principe reconnu à l'article 12 (juge de la nationalité du défunt) fait encore mieux ressortir combien il est injuste que la troisième colonie étrangère à Tanger ne soit pas représentée par un juge de sa nationalité.

Quant à l'article 13, il semble qu'il y aurait tout avantage à ce que la Cour d'Appel fût composée, du moins en partie, par des magistrats d'autres nationalités que celles déjà représentées en première instance.

Pour ce qui est de la Commission de Cassation, il semble qu'il serait aussi préférable de lui donner un caractère moins exclusivement national, d'autant plus que les Cours suprêmes envisagées ne sont de par leur droit, ni de leur situation géographique, ni de la langue, ni de leurs traditions, les plus rapprochées des pays représentés dans les tribunaux de Tanger.

M. Quintão Meyrelles, dans sa note du 18 janvier, avait exprimé l'espoir que le Gouvernement britannique pourrait, lors de la réforme judiciaire, accueillir et appuyer quelques-unes des suggestions portugaises. Il lui semble que le projet en discussion serait une occasion favorable à cette fin et il prie Sir Colville Barclay d'appeler sur ce point l'attention de son Gouvernement.

[W 1753/1/28] No. 15.

Sir Austen Chamberlain to Sir C. Barclay (Lisbon).

(No. 86.)

Sir, *Foreign Office, March* 5, 1929.

I HAVE received your Excellency's despatch No. 72 of the 21st ultimo transmitting a copy of a memorandum in which the Portuguese Minister for Foreign Affairs suggests that the reorganisation of the Mixed Tribunal at Tangier, which is shortly to be elaborated in Paris, offers an opportunity of satisfying Portuguese aspirations for increased representation in the international administration of Tangier.

2. The counsellor of the Portuguese Embassy in London called recently at the Foreign Office to carry out the instructions foreshadowed in your despatch. He was informed that His Majesty's Government had undertaken to give sympathetic consideration to the demands of the Portuguese Government when the Tangier Statute next came up for revision. The forthcoming meeting of experts was not concerned with the revision of the statute. On the contrary, the task of the experts was limited to elaborating the reorganisation of the Mixed Tribunal within the framework of the scheme devised by M. Dumas. This scheme specified the number of judges, their nationality and the composition of the various courts, leaving only matters of comparative detail to be worked out by the experts. The main lines of the Dumas proposals had been incorporated in the protocol of last summer revising the convention of 1923, and had consequently been accepted by the Governments which had adhered to the protocol. In the circumstances it was not easy to see how

the meeting of the experts could afford an opportunity of satisfying Portuguese aspirations.

3. Quite apart from the considerations outlined above, the suggestions put forward in the Portuguese Government's note are open to practical objections. It may be useful to deal with them seriatim.

Paragraph 4.—The appointment of a third non-resident appeal judge would unnecessarily increase the already somewhat excessive cost of the Mixed Tribunal. The state of the finances of the zone and the complaints which have recently been made locally against the cost of the administration render such an appointment out of the question. Nor is it possible to entertain the suggestion that one of the two non-resident appeal judges provided for under the Dumas scheme should be of Portuguese nationality, since the Spanish Government insisted on being represented on the court of appeal, and thus obliged the French Government to make a similar demand. Both Governments have made it clear that their acceptance of any scheme of reform is conditional on the satisfaction of this requirement.

Paragraph 6.—The Portuguese Government state that there is every advantage in staffing the appeal court in part at least by magistrates of a nationality other than that of the judges in the lower court. This is already the case, since one appeal judge and two of the judges of the lower court are to be of Belgian, British or Italian nationality. It is impossible to find a seat for the Portuguese judge in the lower court without either increasing the number of judges from four to five or eliminating either the French or Spanish judges, a solution which neither the French nor the Spanish Government would accept.

Paragraph 7.—The "Cour de Cassation" is to be composed of magistrates belonging to the Supreme Court of a country not represented in the Mixed Tribunal. The purpose of this provision is to avoid additional expense to the Tangier zone, and it is intended that litigants who desire to avail themselves of the "Cour de Cassation" shall appear at their own expense before the Supreme Court of the country designated. His Majesty's Government intend to propose that Holland should be the country designated on account of the international repute enjoyed by Dutch jurists. It is manifestly not practical to provide for a "Cour de Cassation" composed of judges of mixed nationalities without incurring additional expense, and I regret to say that an exclusively Portuguese Supreme Court would command no confidence in any quarter at Tangier.

4. Should an opportunity occur at the forthcoming meeting, the British representative will bring the aspirations of Portugal to the notice of the committee, but for the reasons stated above there seems little likelihood that it will be possible to give effect to them on this occasion.

5. I shall be glad if you will explain the difficulties orally to the Portuguese Minister for Foreign Affairs, at the same time emphasising the sympathy felt by His Majesty's Government, and their desire to assist the Portuguese Government to obtain an improved position in the international administration, even if it be necessary to wait until the statute next comes up for revision.

I am, &c.

AUSTEN CHAMBERLAIN.

[W 2426/1/23] No. 16.

Sir C. Barclay to Sir Austen Chamberlain.—(Received March 15.)

(No. 11.)
(Telegraphic.) R. *Lisbon, March* 15, 1929.

MINISTER for Foreign Affairs broached subject of Tangier first yesterday, and I tried to give him explanations given in your despatch No. 86. As regards Cour de Cassation, he said he had been greatly surprised to hear some days ago that His Majesty's Government had suggested Holland as country to be designated. Spain had proposed Switzerland. He had been in communication with Spanish Government, and he had just received assurances that they would be quite prepared to give up Switzerland for Portugal.

Minister for Foreign Affairs said he did not understand why either Holland or Switzerland who have no local interests should be selected, while Portugal with a third of the colony was being left out altogether. He added that it would be

extremely rare that cases should reach Cour de Cassation, but it was very galling to Portuguese *amour-propre* that she should be ignored and that His Majesty's Government should have proposed Holland instead of Portugal. Portuguese Government felt very sore about this.

Minister for Foreign Affairs is telegraphing to Portuguese representatives in London and Paris to represent the matter to His Majesty's Government and French Government, and he begged me to telegraph also to support Portuguese point of view.

[W 2894/1/28] No. 17.

Mr. Campbell to Sir Austen Chamberlain.—(Received March 28.)

Sir, *Paris, March* 27, 1929.

THE commission summoned in accordance with article 5 of the special provisions annexed to the Tangier Protocol of the 25th July, 1928, held its first meeting at the Quai d'Orsay on Friday, the 22nd March last. It was presided over by the French representative, the Comte de Saint-Quentin, assisted, on the diplomatic side, by M. Avonde-Froment, and on the juridical side by M. Dumas, a judge of the Court of Cassation, and M. Rossel, judge of the Court of Appeal of Paris. The other delegations were represented as follows:—

British Delegation: Myself, assisted by Mr. R. G. Fitzgerald, one of the original British judges on the Mixed Court of Tangier.

Spanish Delegation: Señor Goyeneche, counsellor of the Spanish Embassy in Paris, assisted by Señor Ardangarin, judge of the Supreme Court of Madrid, and Señor Arizcun, one of the present Spanish judges at Tangier.

Italian Delegation: Signor Boscarelli, counsellor of the Italian Embassy in Paris, assisted by Signor Pilotti, legal adviser of the Italian Ministry for Foreign Affairs.

2. It will be remembered that the question of modifying the judicial organisation of Tangier was raised by the British delegation at the Tangier Conference of last summer, when, owing to difficulties raised by the Spanish delegation, it looked at one moment as though any attempt to introduce the necessary reforms would have to be abandoned for the time being. Eventually, however, the problem was referred to a small body of French jurists, who succeeded in outlining a scheme which, as introducing the more pressing reforms, whilst taking the claims of the several national elements into account, was ultimately accepted by all parties concerned. This scheme, which became known as the Dumas scheme, had the further merit of not adding materially to the cost of maintenance. As the conference had neither the time nor the requisite competence to elaborate it in detail, the four Governments undertook to summon within a certain period a special committee which would be charged with this task and would take the Dumas scheme as the basis of its discussion.

3. It is this committee which held its first meeting last Friday. The proceedings were opened by the French representative with a somewhat soulless speech in which he described the object of the meeting and the nature of the task before us. I followed him with a few remarks mainly of a general character, but I thought it well to lay some emphasis on the view that the committee is debarred by its terms of reference from making any appreciable departure from the Dumas scheme. This is, of course, not quite strictly the case, but I am afraid that any attempt to introduce substantial modifications will almost inevitably result in fresh demands being made by Spain with the object of improving her position generally. This in turn might end in jeopardising the agreement which was only reached last summer thanks to the Dumas scheme.

4. My fears were in some measure justified, for the long written statement delivered in a pompous and somewhat minatory manner by the Spanish representative contained two proposals which are both outside the framework of the Dumas scheme. The first of these was a suggestion for the introduction of the system of a single judge in cases before the court of first instance, and was made apparently with the object of avoiding the situation which might arise out of the difficulty on occasion of constituting a court if it were always essential to have three judges, no

two of whom must be of the same nationality. From the information at my disposal I am persuaded that, excellent though this innovation might be in some respects, it would command no confidence in Tangier, where there is a marked tendency to suspect the judges of being liable to the influence of national sentiment. I propose on that ground to oppose the change.

5. The second suggestion was that not only the resident judge of appeal, as provided for under the Dumas scheme, but also his two colleagues should reside permanently in Tangier. It is made presumably with the idea of adding yet another Spanish official to the administration and thus enhancing the position of Spain in relation to the majority of the remaining Powers. It must, I think, be resisted on the score of expense. This aspect of the question was touched on in a passage in Señor Goyeneche's statement in which he urged that, while the cost must, of course, be kept as low as possible, it would be folly to spoil the ship for a ha'porth of tar. I am afraid this proposal may receive the support of the French and consequently be none too easy to knock on the head.

6. On the conclusion of Señor Goyeneche's statement M. de Saint-Quentin drew the attention of the committee to a memorandum which he has received from the Portuguese Ambassador urging the claims of Portugal to the Court of Cassation. After a brief discussion in which we all vied with one another in professions of sympathy for Portugal, it was agreed that Portugal should be added at once to the countries specifically mentioned in this connexion in the Dumas scheme, viz., Holland and Switzerland, and that her qualifications for the honour should be examined on an equal footing when the point comes up for discussion.

7. Finally, M. de Saint-Quentin proposed, as regards procedure, that the juridical members of the committee should be constituted into a sub-committee, the full committee to meet from time to time to register progress, to give further directions where necessary and to thresh out the more knotty questions of which the solution, as trenching on political ground, might be beyond the powers of the sub-committee. The proposal was resisted somewhat forcibly by Señor Goyeneche, who claimed it to be desirable, if indeed not essential, that the full committee should first reach decisions on a number of points, including his own two suggestions, which were not strictly technical matters. I thought it well to oppose Señor Goyeneche's view because it seemed to me that there would be more chance of defeating his two proposals, or at least that relating to the single judge, if they were discussed as technical rather than political matters. In any case it seemed to me preferable not to embark, at the first session, on what might develop into a serious wrangle. M. de Saint-Quentin supported my view, and it was finally agreed that the sub-committee should, at any rate, begin its sittings before any further meeting of the full committee was held.

8. The meeting, which had thus remained purely formal, was then brought to a close. The Italian representative had not opened his mouth from first to last.

I have, &c.

R. H. CAMPBELL.

[W 3233/1/28]

No. 18.

Mr. Gurney to Sir Austen Chamberlain.—(Received April 9.)

(No. 67.)

Tangier, April 4, 1929.

Sir,

IN my despatch No. 62 of the 21st ultimo I had the honour to report that the Committee of Control had decided to submit to the Governments concerned, through the French Government, proposals for the amendment of the Judicial Dahir so as to provide for the transfer to the Italian assistant administrator of the administrative services connected with the Mixed Court, as provided by the protocol.

2. In pursuance of this resolution, my Italian colleague, as president of the Committee of Control, submitted to us a draft in which he merely suggested that a shereefian dahir should be issued withdrawing from the magistrates the functions specified in articles 14, 15 and 21 of the Judicial Dahir and conferring them on the assistant administrator.

3. When this draft reached me I informed my colleagues that to transfer these functions *en bloc* seemed to me to be going further than was intended by the protocol, and that I considered it preferable that the matter should be gone into by the experts now assembled in Paris.

4. As I pointed out, the functions detailed in the articles in the dahir are as follows:—

(1.) The nomination of the staff of the *secrétariat greffe* for appointment by the Sultan;
(2.) The power of proposing the dismissal of those officials;
(3.) The appointment of the judicial interpreter;
(4.) The control of the leave arrangements of the magistrates;
(5.) The control of the hours of opening and closing of the offices of the *secrétariat greffe*;
(6.) The control of the days and hours of "audiences" of each of the courts;
(7.) Choice of costume and insignia to be worn by the magistrates;
(8.) Appointment of servants and determination as to their salary, purchase of office supplies, books, periodicals, &c.; and
(9.) Other matters connected with the internal organisation and order of the Mixed Court.

5. It is no doubt desirable that the *greffe* should be placed under the superintendence of the assistant administrator rather than that of the court, but the assistant administrator cannot be entrusted with the sole responsibility for the selection of the officials who compose it and also for their removal. Appointments to other branches of the Administration have to be made, under article 37 of the statute, by a selection board presided over by the Administrator and composed of the four vice-presidents of the Assembly and the head of the service interested. Some such procedure should be adopted as regards the *greffe* if the appointment of officials is taken out of the hands of the magistrates, and provision should, I think, be made for the representation of the Mixed Court, who should similarly have a voice in the dismissal of officials.

6. Similar arrangements should, no doubt, also be made for the appointment of the judicial interpreter and other officials attached to the court.

7. It would likewise not seem desirable that the assistant administrator should be made solely responsible for leave arrangements or for fixing the days and times for the hearing of cases in the Mixed Court, which would seem to fall rather within the functions of the president of the court, when this post is created. I think it would also be more appropriate that this functionary should deal with questions of costume and insignia.

8. The matter came up again for consideration at the sitting of the Committee of Control held on the 2nd instant, when we ultimately agreed upon the draft letter, of which I enclose a copy herein. It will be seen that we now merely propose that the Powers concerned should be asked to decide on the administrative functions to be transferred from the court to the assistant administrator.

9. The Administrator, who was present at our meeting, was insistent that we should ourselves take steps to transfer forthwith to the Administration the control of the *greffe* and the appointment of officials connected with the court, representing that the Committee of Control had full power to interpret the statute and the protocol. I again pointed out, however, that to do as he proposed would amount, not to an interpretation, but to a modification of the protocol, since—whatever might have been the intention of the signatories—it was clearly laid down in article 14 of the Judicial Dahir, as amended by the protocol, that the officials of the *greffe* were to be appointed, not on the recommendation of the Administration, but on that of the Assembly-General of Magistrates.

10. The general question of the relations between the assistant administrator and the court will also need careful consideration. Is he, for instance, to have any real authority over the judges or is he merely to serve as an intermediary between the judges and the Administration? If the former, a question of precedence may arise, since, under article 57 of the Organic Dahir, the Administrator himself passes after all the judges, and even after the vice-presidents of the Assembly, and it seems questionable whether the judges would readily submit to the exercising of such authority. In any case it is desirable that his functions should be very clearly defined and that no doubt should be left as to his position towards the International Tribunal.

I have, &c.

HUGH GURNEY.

Enclosure in No. 18.

Draft Note respecting Amendment of Judicial Dahir.

Tanger, le 2 avril 1929.

M. le Consul général et cher collègue,

LE 15 janvier dernier sont entrés en vigueur les amendements apportés, conformément au protocole du 25 juillet 1928, au Dahir organisant l'Administration de la Zone de Tanger, au Dahir sur l'Organisation d'une Juridiction internationale à Tanger, à l'annexe à ce dahir et au Code pénal de la zone.

L'article 32 (revisé) du Dahir sur l'Administration de Tanger a créé un troisième administrateur-adjoint, spécialement chargé des services judiciaires, et dont les fonctions sont énoncées au No. 1 des "Dispositions particulières" du protocole en ce sens que ledit administrateur-adjoint "a sous son autorité les services administratifs de la juridiction internationale," &c.

Ces services sont compris dans les attributions de l'Assemblée générale des Magistrats aux articles 14, 15 et 21 du dahir chérifien du 16 février 1924 sur l'organisation d'une juridiction internationale à Tanger. Or, les articles susvisés n'ayant pas été modifiés en vue de l'application du nouveau statut, l'Assemblée générale des Magistrats continue à exercer *les pouvoirs administratifs* que lesdits articles, toujours en vigueur, lui confèrent et que l'administrateur-adjoint, auquel ils devraient, d'après le nouveau régime, être dévolus, ne peut pas exercer.

Le Comité de Contrôle, auquel a été signalée cette situation anormale et contradictoire, m'a chargé de vous prier de vouloir bien saisir de cette question le Gouvernement de Paris, afin que, après entente avec les autres Gouvernements intéressés, intervienne d'urgence un dahir chérifien destiné à combler cette lacune existant entre la précédente législation et le protocole en précisant les attributions administratives qui doivent être retirées à l'Assemblée générale des Titulaires en exécution de ce protocole.

D'autre part, il paraît indispensable de préciser dans le même dahir que l'administrateur-adjoint directeur des services judiciaires est chargé de maintenir les rapports nécessaires entre l'Administration et le Tribunal mixte, dans l'intérêt de la bonne marche de la justice internationale à Tanger.

[W 3770/1/28] No. 19.

Mr. Campbell to Sir Austen Chamberlain.—(Received April 23.)

(No. 38.)

Paris, April 22, 1929.

Sir,

THE reason of my silence since the despatch which I had the honour to address to you on the 27th ultimo, describing the opening meeting of the committee now sitting in Paris for the purpose of elaborating the reform of the judicial organisation of Tangier, is that there has been nothing worth reporting. Although a month has elapsed since the discussions were begun, we are no nearer, indeed, paradoxical as it may seem, we are further, from the completion of our task than we were at the outset. The reason of this will appear later.

2. You will remember that at the opening meeting the Spanish delegation urged that certain points of rather more than technical import should be discussed in the full committee before the sub-committee of jurists was set to work. M. de Saint-Quentin and I successfully resisted this suggestion, in the belief that many points susceptible of ready solution as technical matters might develop into sharp political differences of opinion if handled in the full committee. As events turned out we should have done better to accept Señor Goyeneche's suggestion. We should undoubtedly have done so had we known that the Spanish delegation intended to propose such a radical modification of the agreement reached last summer. It was doubtless because of this that the Spanish jurists, with the intention of forcing the negotiations back into the full committee, reserved each point as it came up for discussion in the sub-committee.

3. It may here be convenient if I remind you briefly of the past history of this question, without some knowledge of which it is impossible to form a just appreciation of the present situation. You will remember that you instructed the British delegation at the Tangier Conference of last summer to raise the question of the reform of the Mixed Court set up as part of the international régime created by the convention of 1923. Although in many respects the statute was working better

than had been expected, the judicial organisation had proved seriously defective, the reforms chiefly needed being the unification of the "ministère public," the institution of a presidency of the Mixed Court, and the creation of a Court of Appeal wholly separate from the other jurisdictions. Notwithstanding the fact that His Majesty's Government were prepared to relinquish one of the two British judgeships, the conference experienced great difficulty in formulating any scheme which, whilst satisfying national claims for representation, would not appreciably increase the cost —a point on which you laid great importance. We were, in fact, on the point of admitting defeat, when the French representative had the inspiration of referring to a small body of eminent French jurists, in the hope that they might succeed where we had failed. The result was a scheme, now known as the Dumas scheme, which, within the conditions which it had of course been necessary to impose on its authors, successfully reconciled the various national claims without involving any material increase of cost. This scheme was accepted by all delegations, but, as the conference had neither the time nor the competence to elaborate it in detail, it was agreed to summon within a certain period a special committee to be charged with this duty. It was understood that the Dumas scheme would be taken as the basis of discussion, and that, though it might be necessary to supplement it, and even modify it, on points of detail, its broad principles must be conserved. This restriction was at first resisted by the Italian representative, who, though he had accepted the scheme for the sake of agreement, was not altogether satisfied, from a national point of view, with some of its more important provisions, and hoped to obtain their eventual modification. He ultimately, however, yielded to the pressure of the other delegations, who feared that any tampering with the main lines would result in the loss of the agreement, which had only been reached with such difficulty. The arrangement was embodied in the fifth of the special provisions attached to and forming an integral part of the agreement signed last summer. This special provision runs as follows:—

> "The four Governments undertake to cause a revised scheme for the international tribunal of Tangier to be elaborated by a committee of jurists, which shall meet in Paris within six months from the date of signature of the present provisions. This committee shall take as a basis of its work the recommendations and drafts annexed to the minutes of the 29th meeting held on the 12th July, 1928, by the experts entrusted with the revision of the Tangier Statute.
>
> "The revised scheme shall in particular—
>
> "Place the directorship of the 'Parquet' under one head.
>
> "Entrust the duties of the representative of the State before the courts of first instance and the court of appeal and the criminal court to a Spanish magistrate and a French magistrate respectively in alternate years; and before the police court to a Spanish inspector of police and a French inspector of police in the same way.
>
> "Create a presidency of the Mixed Court.
>
> "Make provision for a vacation court during the vacation of the Mixed Court.
>
> "Create a court of appeal, wholly separate from the other courts, on which may sit non-resident appeal judges, who shall come periodically to hear appeals at Tangier. A special fee may be levied on all appellants, not poor persons, in addition to the usual court fees.
>
> "Take into account the desire expressed by the Spanish and French Governments to be represented by a magistrate of their nationality in the court of first instance and in the court of appeal.
>
> "Suppress the lay assessors of the Mixed Court, as permanent members of the international tribunal.
>
> "Provision might be made for a court of cassation, composed of magistrates belonging to the Supreme Court of a country not represented in the international tribunal of Tangier."

4. It would seem, therefore, beyond doubt that the liberty of action of the commission now sitting in Paris is limited by a legal obligation to introduce the reforms specified in the above provision, and by a moral obligation to introduce them on lines which depart in no material respect from the Dumas scheme. It was because I feared that the Spanish representative, in particular, might utilise the occasion to try to improve still further the position of Spain in relation to that of the other tutelary Powers that I suggested that the British representatives on the present

commission, which was originally intended to consist only of jurists, should include a diplomatic representative, and that I had myself the honour to be instructed to attend. The other Governments concerned adopted a similar course.

5. I regret to report that my fears have been more than justified, as you will see from the enclosed copy of a document circulated recently by the Spanish delegation as containing their suggested "modifications" of the Dumas scheme. The reason why this document was only tabled after the conference had been sitting for some three weeks is to be found in the obstructive tactics adopted by the Spanish members of the sub-committee of jurists which the French representative and I had hoped to see break the back of their task without the necessity for reference to the full committee. When it became clear that the sub-committee was only wasting time, the discussions were transferred to the full committee, but further valuable time was wasted in recrimination between Señor Goyeneche, the principal Spanish delegate, and M. Dumas, the leading French jurist and chief author of the scheme which we are supposed to be elaborating. M. Dumas takes a parent's pardonable pride in his child, and had become more and more exacerbated as the Spanish jurists, in the sub-committee, opposed successively every link of his scheme as it came under discussion. He is an old man, has reached the top of his profession, and was attending every meeting in a state of high fever due to a recurrence of some pulmonary affection. His pent-up irritation found vent in his oral report to the full committee, in which he permitted himself the satisfaction of stigmatising the tactics of his Spanish colleagues in the most scathing terms. He was, rather naturally in the circumstances, the reverse of mollified by frequent interruptions from Señor Goyeneche containing allusions to the "merveilleux projet de M. Dumas," "le projet de M. Dumas que j'ai déjà qualifié de véritable chef-d'œuvre," &c. When these rather misplaced attempts to pacify him only stung M. Dumas to further sarcasm, Señor Goyeneche gave way to an unrestrained outburst, in which he claimed that the Spanish delegation had been severally and collectively insulted. The French representative and I were only moderately successful in our attempts to throw oil on the troubled waters. I have described all this at what might be thought rather unnecessary length not only because it explains why the committee is still only on the threshold of its task, but because the relations thus created between two of its members, though now outwardly restored, may have some effect on the trend of subsequent discussions.

6. When, at subsequent meetings, the atmosphere had become sufficiently restored to permit of useful discussion, the Spanish delegation continued to oppose a dead-weight of resistance to the Dumas scheme, while extolling in a theoretical manner the virtues of what they had described at the opening meeting as the modifications of detail—in reality modifications of principle—which they desired to put forward. M. de Saint-Quentin and I did our best to expose what we believe to be the objections to these changes, but received no support from the Italian delegation, who have not yet taken any effective part in the proceedings. Signor Boscarelli, the diplomatic representative, whenever invited to speak, bows in the direction of his legal colleague, who proceeds with great charm of manner to agree with everyone in turn. As we were getting into a vicious circle, M. de Saint-Quentin at the last meeting but one invited the Spanish delegation to commit their proposals to paper. The result is the document to which I have already referred.

7. I will not trouble you with a detailed review of this document, which starts with an erroneous presumption, and is throughout replete with false promises and faulty reasoning. It will be sufficient if I indicate the main points of difference between the Spanish scheme and that of M. Dumas, of which in effect it is a complete reversal. Both are based on a total of seven resident magistrates, any figure in excess of which is forbidden by financial limitations. In both, the office of "procureur" (public prosecutor is the nearest English equivalent) is allocated to a French and Spanish magistrate in alternate years. Beyond that, all resemblance ceases. In the Dumas scheme the term "mixed tribunal" is applied (correctly, I think, according to the protocol of last summer) only to the lower jurisdictions. In the Spanish it is applied (incorrectly, I think, according to the protocol) to the lower jurisdictions and the Court of Appeal conjointly. In the Dumas scheme each of these is to have its separate president, the office being in each case allocated either by rotation or by vote. In the Spanish scheme the president of the Court of Appeal is to be president of the whole organisation; he is to be of the rank of "conseiller," *i.e.*, of superior rank to all his colleagues (with the exception of the "procureur") over whom he is to have wide disciplinary powers, in addition to exercising the normal functions of president. He is to be either French or Spanish and is to alternate year by year with the "procureur," that is to say, when the president is

French the "procureur" will be Spanish, and *vice versâ*. Under the Dumas scheme the court of appeal is composed of a resident "conseiller" (either British, Italian or Belgian) and two non-resident "conseillers" (one French, one Spanish), who would be borrowed presumably from the French and Spanish Zones respectively and proceed to Tangier three or four times a year in order to complete the Court of Appeal. Under the Spanish scheme the two magistrates required to complete the court (the president, as shown above, is either French or Spanish and alternates with the "procureur") are to be drawn from the magistrates of the lower jurisdictions. Under the Dumas scheme the two non-resident appeal magistrates, who would, of course, be in receipt of salaries from their respective Governments, would be a charge on Tangier in respect only of travelling and subsistence allowances. Had they been permanent the scheme would have involved a total of nine resident magistrates and, consequently, a considerable increase of expense. Under the Spanish scheme the whole organisation is covered by seven resident magistrates. This is only rendered possible by the adoption of the single-judge system, which, to be precise, is to be applied to the "tribunal d'instruction et de paix" (combined in one court), the "tribunal de simple police," the "tribunal de première instance en matière civile, commerciale et administrative" and the "tribunal criminel," leaving the collegiate system in force only in the "chambre d'accusation," the "tribunal criminel" and, of course, the "tribunal d'appel." The application of the single-judge system to so many of the several courts is essential in order to permit of a wholly resident court of appeal without the necessity of adding to the total number of magistrates. It is thus the keystone of the whole arrangement.

8. The Spanish scheme has the advantage of being no more, possibly a trifle less, costly than the Dumas scheme. Apart from that, it seems to me to present several weighty objections, and even, in some respects at least, to aggravate the shortcomings of the existing organisation. In the first place there are, I think, two main objections of a technical order—the adoption, at least for so wide a field of cases, of the single-judge system, and the wholly resident character of the court of appeal.

9. The single-judge system, wholly foreign to French jurisprudence from which the existing system has been copied, is, of course, particularly unsuited to Tangier, where, in the atmosphere of suspicion, jealousy and rivalry which unfortunately still contaminates the relations between the various national colonies, it would fail to command the confidence essential to the smooth working of the judicial organisation. Much the same objection seems to me to invalidate the system of a wholly resident court of appeal, and it was for that very reason that last year we agreed that the court of appeal must be "nettement séparée," in the words of the protocol, from the lower jurisdictions. M. de Saint-Quentin and I have used this and other arguments to oppose these two innovations, but we have so far quite failed to move the Spanish delegation from their standpoint.

10. From our particular point of view, the Spanish scheme would seem to be open to a further objection, this time of a political order. The provision whereby the office of "procureur" and that of president of the whole organisation are to alternate between France and Spain, and the provision giving the president extensive powers over his colleagues, undoubtedly improve the position of France and Spain in relation to that of Great Britain and the other Powers represented in the judicial scheme. The relinquishment of one of the two British judgeships was not too well received by the British colony, and I submit that we should accept no further diminution of our position.

11. I do not desire at present to ask for instructions. We have not yet reached a deadlock, and my colleague, Mr. FitzGerald, has offered some suggestions which I think may conceivably provide a way out. They would remove the more serious objections to the Spanish scheme whilst going some way to reconcile it with that of M. Dumas. My doubt is whether they will prove acceptable to the Spanish delegation. I propose to submit them to the committee in the form of personal suggestions of Mr. FitzGerald, which will leave me more discretion than if they came as a formal proposal from the British delegation. Nor am I quite sure at present that I wholly agree with all he suggests, but we shall, at all events, have a fresh basis of discussion, which I regard as a welcome relief from the situation of rivalry between the two schemes hitherto before the committee.

12. I will report to you how these suggestions are received as soon as I am in a position to do so. In the meantime the present despatch will, I hope, be useful to you when the moment comes for me to ask whether I may accept the outline of any given scheme. I say "outline" advisedly because, whatever plan is eventually adopted, its elaboration will require many weeks of study by the jurists. I do not

suppose that you will wish me to remain here at the taxpayers' expense engaged on detailed juridical work for which I have no qualifications and which could perfectly well be performed, on the British side, by Mr. FitzGerald under some measure, perhaps, of supervision from His Majesty's Embassy.

I have, &c.
R. H. CAMPBELL.

Enclosure in No. 19.

Document circulated by the Spanish Delegation containing suggested Modifications of the Dumas Scheme.

LA délégation espagnole a l'honneur d'exposer les bases fondamentales du projet que, dans ses grandes lignes, elle a présenté à la dernière séance plénière de la commission.

Ce projet part du principe que la commission accepte l'interprétation donnée par la délégation espagnole au paragraphe 8 de la disposition particulière No. 5 du statut, c'est-à-dire qu'il n'est pas obligatoire qu'un magistrat espaguol et un magistrat français siègent conjointement au tribunal de première instance ainsi qu'à la Cour d'Appel. Si la commission interprète ce paragraphe dans le sens contraire et décide, en conséquence, qu'il est indispensable qu'un magistrat français et un magistrat espagnol siègent en même temps dans l'une et dans l'autre de ces deux juridictions, le présent projet (sauf dans le cas qu'une des deux nations intéressées renonce à ce droit) ne pourrait être pris en considération.

La délégation espagnole estime, donc, qu'avant d'examiner le projet il est indispensable que la commission prenne une décision au sujet de l'interprétation du paragraphe en question, ce qui lui permettra, le moment venu, de l'étudier et de délibérer sur ces bases.

Ces considérations faites, la délégation espagnole, suivant les aimables indications de M. le président, transcrit à la suite, sous forme de projet, les bases fondamentales pour la réorganisation du Tribunal mixte de Tanger, qui, dans leurs parties essentielles, étaient déjà rédigées et devaient être soumises à la commission sous forme d'amendements aux articles correspondants du projet de M. Dumas.

Tribunal mixte.

1. Conformément aux stipulations du statut de 1923 et de l'accord en vigueur de 1928, la dénomination de "Tribunal mixte" comprend toute l'organisation créée à Tanger par ce statut pour l'administration de la justice. C'est pour cette raison que la disposition particulière ne se sert pas uniquement de la dénomination "Tribunal mixte" quand elle ordonne l'institution d'une présidence, mais encore quand elle fait référence aux services de vacations pendant les vacances du "Tribunal mixte," comprenant ainsi sous cette dénomination la totalité de l'organisme créé pour l'administration de la justice.

Présidence.

2. En conséquence et conformément aux stipulations de la disposition particulière No. 5, on établit dans ce projet un président du Tribunal mixte. La hiérarchie en est la base et on a recherché à ce que ces deux magistrats, français et espagnol, exercent, d'après un roulement, les fonctions de président et du Ministère public pour leur donner à tous deux un ensemble de garanties et de stabilité, en sorte que leurs fonctions ne dépendent pas du va et vient d'un tour, ou soient soumises aux hasards de la chance. Ainsi, conscients tous deux que leur fonction est permanente et revêtue du pouvoir nécessaire pour maintenir la discipline, on arrivera à faire disparaître l'anarchie, qui a toujours sévi et qui sévit encore aujourd'hui au Tribunal mixte.

L'Espagne et la France devant occuper forcément le siège du Ministère public, il faut en tenir compte pour assurer le roulement de ces deux fonctions, interprétant de cette façon le sentiment général, ainsi que l'esprit et la lettre de tous les traités, qui reconnaissent la prépondérance réelle et politique que ces deux nations doivent avoir à Tanger. Ces deux fonctions seront dévolues à des magistrats d'une catégorie supérieure à celle des autres magistrats du tribunal, et il faudra faire en sorte que cette catégorie soit la même dans les deux pays.

Ces deux fonctions seront exercées, tour à tour, pendant un an, par les deux magistrats, espagnol et français, et, dans le cas où le magistrat en exercice du Ministère public viendrait à devoir être substitué pendant l'année de son mandat, il le sera

obligatoirement par le président de la Cour d'Appel, et cette dernière fonction sera confiée alors au magistrat espagnol ou français du Tribunal d'Appel.

La fonction présidentielle sera investie d'une double mission. En effet, le président du Tribunal mixte de Tanger sera également le président effectif de la Cour d'Appel. En sa qualité de président du Tribunal mixte, il devra représenter le tribunal, surveiller et diriger tous les services, maintenir l'ordre au Palais de Justice, fixer les audiences, former les chambres et, en général, assurer toutes les fonctions correspondant à sa haute charge et qu'on trouve dans toutes les lois organiques.

Tous les magistrats composant le Tribunal mixte de Tanger et qui seront, d'ailleurs, d'une catégorie inférieure à la sienne, seront soumis à son autorité, et il aura, par conséquent, le pouvoir disciplinaire établi à l'effet.

Tribunal d'Appel.

3. Pour que ce tribunal ait l'indépendance nécessaire, tout en restant dans le cadre des traités, il sera constitué, en plus du président, par un magistrat français ou espagnol selon que le président soit espagnol ou français, et par un autre magistrat qui exercera, en dehors de ce tribunal, des fonctions dont les décisions ne pourront jamais être portées devant la juridiction d'appel, ainsi qu'il est consigné dans l'état annexé à cette disposition.

Tribunal criminel.

4. Ce tribunal a, forte heureusement, si peu d'affaires à Tanger qu'il ne sera composé que d'un magistrat et de six jurés et il fonctionnera d'après les dispositions de la loi de procédure criminelle, à laquelle il faudra apporter quelques modifications dont la nécessité a été démontrée par la pratique.

Tribunal correctionnel.

5. Il pourrait également être unipersonnel, ce qui faciliterait grandement la désignation des titulaires et la distribution de leurs fonctions; cependant, la délégation espagnole en considération de la nature et de la condition de la procédure et des affaires qui y sont traitées, s'est décidée pour le Tribunal collégial.

Tout ce qui vient d'être exposé peut également être appliqué à la Chambre d'Accusation.

Juridiction de première Instance en Matière civile.

6. Ainsi que la délégation espagnole l'a déjà exposé devant la commission, la juridiction de première instance en matière civile, commerciale et administrative sera à la charge d'un juge unique, sans que pour cela le caractère international du Tribunal mixte, ni les circonstances locales et l'ambiance sociale de la zone puissent constituer un obstacle à ce projet. La transformation complète que va subir le tribunal du fait de la réforme que prépare la commission aura forcément une répercussion qui modifiera complètement l'opinion des magistrats et des justiciables et relèvera en conséquence le prestige et l'indépendance des personnes chargées de l'Administration de la Justice.

7. Les fonctions au tribunal de *simple police*, qui sont les plus importantes à Tanger, seront exercées par un seul magistrat.

8. *Le Tribunal d'instruction de Paix* sera également à la charge d'un seul magistrat, car s'il est vrai que le Juge de Paix a un peu plus de travail, l'instruction par contre en a très peu.

Telle est, dans ses grandes lignes la pensée de la délégation espagnole. Le projet réalise, sans aucun doute, l'unité du parquet; il institue la présidence du Tribunal mixte, telle que la conçoit la disposition particulière No. 5; c'est-à-dire, que ce tribunal constitue l'ensemble de toutes les juridictions, ainsi que la définit l'article 48 du statut qui a été interprété dans ce sens, jusqu'à ce jour, par toutes les Puissances signataires. Le projet ne s'occupe pas, pour le moment, des vacances du Tribunal mixte, qui, d'ailleurs, est une affaire d'ordre secondaire et plutôt d'application pratique et, enfin, ce projet institue la Cour d'Appel sans que les magistrats appelés à en former partie aient eu une intervention quelconque dans les affaires dont ce tribunal pourrait avoir à connaître.

Quant au recours en cassation, la délégation espagnole, étant donné le caractère facultatif de son institution, se réserve, le moment venu, de donner son opinion.

Paris, le 14 *avril* 1929.

TRIBUNAL MIXTE.

1re Année.

Président : Magistrat espagnol A.
Procureur général : Magistrat français A.

2e Année.

Président : Magistrat français A.
Procureur général : Magistrat espagnol A.

Tribunal d'Instruction et de Paix.

1re Année.

Magistrat français B.

Tribunal de simple Police :
Magistrat italien.

Chambre d'Accusation :
Magistrat espagnol B.
Magistrat italien.
Magistrat belge.

Tribunal correctionnel :
Magistrat espagnol B.
Magistrat italien.
Magistrat anglais.

2e Année.

Magistrat espagnol B.

Magistrat belge.

Magistrat français B.
Magistrat italien.
Magistrat belge.

Magistrat français B.
Magistrat belge.
Magistrat anglais.

Tribunal de première Instance en Matière civile, commerciale et administrative.

1re Année.

Magistrat espagnol B.

Tribunal criminel :
Magistrat anglais.

Tribunal d'Appellation civil et correctionnel :
Président : Magistrat espagnol A.
Magistrat français B.
Magistrat belge.

2e Année.

Magistrat français B.

Magistrat anglais.

Président : Magistrat français A.
Magistrat espagnol B.
Magistrat italien.

3e Année.

Président Tribunal mixte : Espagnol A
Procureur général : Français A.

Instruction et Paix :
Magistrat anglais.

Simple Police :
Français B.

Chambre d'Accusation :
Italien.
Espagnol B.
Belge.

Tribunal correctionnel :
Italien.
Espagnol B.
Belge.

Tribunal de première Instance en Matière civile, commerciale et administrative :
Espagnol B.

Tribunal criminel :
Belge.

Tribunal d'Appel :
Président : Espagnol A.
Magistrat : Français B.
Magistrat : Anglais.

4e Année.

Président Tribunal mixte : Français A.
Procureur général : Espagnol A.

Instruction et Paix :
Magistrat italien.

Simple Police :
Espagnol B.

Chambre d'Accusation :
Italien.
Français B.
Anglais.

Tribunal correctionnel :
Français B.
Belge.
Anglais.

Tribunal de première Instance en Matière civile, commerciale et administrative :
Français B.

Tribunal criminel :
Belge.

Tribunal d'Appel :
Président : Français A.
Magistrat : Espagnol B.
Magistrat : Italien.

5e Année.

Président Tribunal mixte : Espagnol A.
Procureur général : Français A.

Instruction et Paix :
Magistrat belge.

Simple Police :
Anglais

Chambre d'Accusation :
Espagnol B.
Anglais.
Italien.

Tribunal correctionnel :
Espagnol B.
Anglais.
Italien.

Tribunal de première Instance en Matière civile, commerciale et administrative :
Espagnol B.

Tribunal criminel :
Italien.

Tribunal d'Appel :
Président : Espagnol A.
Magistrat : Français B.
Magistrat : Belge.

[W 4203/1/28] No. 20.

Mr. Campbell to Sir Austen Chamberlain.—(*Received May* 2.)

Sir, *Paris, May* 1, 1929.

IN my despatch of the 22nd April I had the honour to report on the position of the negotiations now proceeding in Paris for the reform of the judicial system of Tangier. I related how the "modifications" which the Spanish delegation wished to introduce into the agreement of last summer, which we are now supposed to be elaborating, amounted to a complete repudiation of that agreement and were wholly inacceptable to the other three delegations. I concluded by saying that my legal colleague had made, in a personal capacity, certain suggestions which might conceivably provide a fresh basis of discussion and so avert the deadlock towards which we appeared to be rapidly drifting.

2. These hopes have played me false, for, on examining Mr. FitzGerald's proposals closely, I felt unable to adopt them, while for one reason or another they were even less acceptable to each of the other delegations. In these circumstances, I discussed the situation privately with my French colleague, with whom I have thought well all along to work in close touch, as, in the absence of any articulate support from the Italian delegation, the French are our only bulwark against Spanish encroachments. M. de Saint-Quentin has, I think, appreciated and reciprocated this confidence. At all events, he has shown no disposition to take the bait proffered to him by the Spanish delegation, whose proposals are carefully designed to enhance the French in the same degree as the Spanish position. M. de Saint-Quentin's shyness in this respect is due in part, I think, to his desire to work with us, in part to a refreshing loyalty to the agreement of last summer, and in part to a wholesome reluctance to seek too preponderating a share in a field which is particularly unsuitable for any such a scramble. Be the explanation what it may, his attitude is more than welcome; a determined Franco-Spanish combine would have been extremely awkward.

3. When, therefore, I went to discuss with him the situation created by the disappointment of any hope of building on the foundations of Mr. FitzGerald's proposals, I asked him frankly whether he saw any way out of our difficulties and whether he himself had anything to suggest. He replied that he was no less pessimistic than I, but that one idea had occurred to him which, while constituting the limit of concession to which he thought he ought to go, might yet be sufficient to save the face and thus secure the acceptance of the Spanish delegation. His suggestion relates to the composition of the Court of Appeal, which has formed one of the principal points of controversy. Under the original Dumas scheme, the court was to consist of the British, Belgian or Italian magistrate, in rotation, and two non-resident magistrates (with rank of "conseiller"), one French and one Spanish, who would come from the neighbouring French and Spanish Zones three or four times a year for the sessions of the court; the presidency was to go by rotation. Under the Spanish scheme sprung upon the committee this year the court was to be composed of (1) a president, French or Spanish, alternating year by year with the "procureur"; (2) the remaining Spanish or French magistrate; (3) the British, Belgian or Italian magistrate, in rotation. From our point of view this plan had the merit, over the Dumas scheme, of reducing the number of French and of Spanish magistrates from two resident and one non-resident to two resident, and of reducing the expense by a small but not really appreciable extent; it had the startling demerits, firstly, of being in direct conflict with the agreement of last summer, which prescribed a Court of Appeal clearly separate from the lower jurisdictions; secondly, of being only workable by means of free recourse to the system of a single judge—a system which would be received with no confidence in Tangier, to which it is particularly unsuited; and, finally, by conferring the presidency permanently on a French or Spanish magistrate with wide powers over all his colleagues, of enhancing in an unwarrantable degree the Spanish-French preponderance in the administration of justice. Under M. de Saint-Quentin's new suggestion the court would be composed of (1) a resident "conseiller," French or Spanish, in alternation year by year with the "procureur"; (2) a non-resident "conseiller," Spanish or French, in rotation; (3) a non-resident "conseiller," either (i) British, (ii) Italian, (iii) Portuguese or Dutch (whichever is not given the Court of Cassation), in rotation by session. I told M. de Saint-Quentin that, though I did not like this plan as much as that of the original Dumas scheme, I should be prepared, nevertheless, to ask you to authorise me to accept it if it would secure Spanish (and Italian) acceptance of what is left of last year's agreement. Fearing that each further session of the committee might make it more difficult for the Spanish delegation to retire gracefully from the impossible position which they have taken up, I suggested to M. de Saint-Quentin that, before holding the meeting arranged for the following day, he should send for Señor de Goyeneche and endeavour to make him realise that the Spanish scheme had no chance of being accepted by the French, and that he should advise him to go on and see me if he wished to be satisfied that it was equally inacceptable to us. M. de Saint-Quentin adopted this suggestion and sent for Señor de Goyeneche, who declined to commit himself in any way, and said that he wished to make certain fresh proposals at the meeting of the committee fixed for the following day, Friday, the 27th.

4. When this meeting took place, therefore, as arranged, Señor de Goyeneche read a carefully-prepared statement containing the modified Spanish proposals, which he promised to circulate subsequently in writing. As the document has not yet reached me, and as I was unable to follow all the intricacies of the scheme as read out, I do not trust myself to describe it to you. Nor is it necessary that I should do so, as I grasped enough of it to realise that it is only a degree less inacceptable than its predecessor. Señor de Goyeneche was then followed by M. Dumas, who described in outline a scheme which M. de Saint-Quentin referred to as a formal French proposal. Incidentally, I may say that M. Dumas had prepared in writing some forty pages of indictment of the original Spanish proposals of a nature which reduced them to mincemeat. For the sake, however, of harmony, M. de Saint-Quentin had restrained him from delivering this part of his oration. The scheme sketched by M. Dumas embodied, as regards the court of appeal, the suggestion made by M. de Saint-Quentin and referred to above. I need not go into detail as regards the lower jurisdictions. M. Dumas drops the proposals, which figured in his original scheme, for the creation of separate courts. He had already acknowledged that this "sectionnement," as he called it, would hardly have been workable with the number of magistrates at our disposal; his new plan is more elastic and preferable in every way. The presidency both of the Court of Appeal

and of the Court of Instance is to go by rotation, though the resident "conseiller" of the former would have certain powers of direction, and even of supervision, over the latter. In this respect the scheme is in sharp contrast with Spanish proposals, under which the president of the Court of Appeal is to be the president of the whole judicial organisation with extensive disciplinary powers over his colleagues. I will revert to this point later.

5. This despatch could run into a small volume and be exceedingly wearisome to you, were I to attempt to give you a complete plan, accompanied by a detailed appreciation, of each of the various schemes which have come under discussion. I think I can safely assure you that, of all of them, the original Dumas scheme embodied in the agreement of last summer is the best that can be devised in the circumstances by which we are bound. It is the only one of the numerous combinations which we examined last year that secured the approval of every Government represented at the conference. It is now further improved by the proposed elimination of the provision for the "sectionnement" of the lower jurisdictions. As stated in a previous despatch, the four Governments are under an obligation to abide by it in so far as its main principles are concerned. Though I am a little suspicious of what the Italian delegation may do when they decide to take some active part in the proceedings, it is only the Spanish delegation which has so far openly repudiated this obligation in making entirely fresh proposals of principle. These proposals are, of course, designed solely with an eye to secure for Spain a larger share in the judicial system, and consequently in the general administration of the zone. Under the convention of 1923, France, Spain and Great Britain each had two magistrates; we abandoned one of ours in the interests of agreement last summer, though, owing to the difficulty of finding suitable English magistrates, the sacrifice was not so great as might have seemed. It was, nevertheless, a concession, and, as it was made in order to secure the agreement embodied in the protocol, we should be justified in withdrawing it if that agreement is to be thrown to the winds. Still less are we called upon to make yet further concessions, as I have pointed out politely to the Spanish delegation, who merely retort by saying that they are quite unable to understand the reason of so unfriendly an attitude on our part. I have, however, declined to yield; not only is it necessary to consider the British colony at Tangier, who are extremely jealous of any abandonment of our rights, but it must be borne in mind that successive encroachments on our position can only end in compromising the international character of the present régime at Tangier. On the other side of the balance, it must be admitted that, so long as this international character is safeguarded, it is only fair to accord a slightly more important share in the administration to the two countries whose local populations are the largest, and who are in the exercise of protectorates over the rest of Morocco.

6. Under the Spanish proposals, the French and Spanish share would be considerably enhanced at the expense of the British and Italian share. This disturbance of the balance created by the agreement of last summer is partially, though not wholly, redressed in the French compromise proposal, which alters the French and Spanish representation on the Court of Appeal from one non-resident "conseiller" to one non-resident and one resident "conseiller," the latter alternating with the "procureur," which office is held (as under the Dumas scheme) by the remaining Spanish or French magistrate. The bestowal of the rank of "conseiller" on both of their two resident magistrates, and the fact that the "conseiller" of the Court of Appeal, though not permanent president of the court, will between sessions exercise certain functions (which remain to be defined) of a presidential character, undoubtedly confer on the French and Spanish magistrates a greater degree of authority than they would have enjoyed under the Dumas scheme. On the other hand, on a purely numerical calculation the French plan strengthens British and Italian representation to the extent of a third of a judge, if I may so express it. Its weak spot, from a technical of view, is, perhaps, the alternation between the "procureur" and resident "conseiller," which must result on occasion in the latter sitting in appeal on cases in which he will have acted as public prosecutor. This appears, however, according to continental thought, to be no more shocking than is the idea of the court including the judge who had heard the case in first instance, as might have arisen under the Dumas scheme. In both cases, of course, the member of the court who may previously have been concerned in the case is in a minority one to two. It is difficult to find any other combination, since, once it is provided, as under the original Dumas scheme, that the appeal judges must be of superior rank to the magistrates of the lower jurisdictions, there is no one with

whom the resident judge of appeal can alternate unless it be the "procureur," who, it is generally agreed, should be of "conseiller" rank.

7. On the whole, then, this scheme seems to be the best, or let us say the least bad, that can be devised in the circumstances. I fear, however, that there is little chance of the Spanish delegation accepting it unless the resident "conseiller" of appeal (French or Spanish in alternate years) be made the permanent president of the court, with certain powers at least of supervision over the lower jurisdictions. This brings me to the point to which I said I would revert later. It is one to which the Spanish delegation attach overwhelming importance, due, no doubt, to their desire to glorify the Spanish position in the greatest possible degree, and incidentally the personal status of Señor Arizcun, who, though the present Spanish "procureur," and consequently a servant of Tangier, was most improperly appointed by the Spanish Government as a member of their present delegation. This claim to the presidency, although they would equally benefit by it, is strongly resisted by the French, who recoil from the idea of placing a Spanish magistrate (particularly Señor Arizcun) in a position of authority over his French colleagues. In point of fact, however, the resident "conseiller," under the latest French proposal, would be president of the Court of Appeal during two out of every three sessions; he would also have, permanently, certain quasi-presidential duties between sessions. From this to making him permanent president seems but a small step further.

8. After earnest consideration of the position, I have the honour to request you to authorise me to accept the latest French proposals, and in the last resort, but only in the last resort, to go as far as I can induce my French colleague to join me in going towards satisfying the Spanish delegation in the matter of the presidency, provided, however, that we stop short of investing the president with disciplinary powers over his colleagues. Such powers, within the somewhat restricted limits within which it is desirable to create them at all, should be vested in the Court of Appeal as a corporate body.

9. It is with a sense of disappointment that I solicit these instructions. Though I expected something of the sort, it never occurred to me that the Spaniards would endeavour to upset the agreement of last summer to so complete an extent as they have done. They still cling tenaciously to the essence of their proposals, and I am convinced that it is necessary to give them some solace unless the negotiations are to be interrupted in order to allow of strong representations being made at Madrid. As it is probable that we should receive only rather half-hearted support from the French, and possibly none from the Italians, I am in favour of avoiding that course if possible. I do not believe that acceptance of the revised Dumas scheme would directly compromise British interests in Tangier, though I regret the indirect effect of a further concession to Spanish ambitions. On a wide view, I think that we should be ill-advised for the sake of the issues at stake to adopt an attitude which would create a situation of some tension between the two Governments.

I have, &c.
R. H. CAMPBELL.

(c.) Application of Financial Legislation to United States Citizens.

[W 8/1/28] No. 21.

Sir W. Tyrrell to Sir Austen Chamberlain.—(*Received January* 1, 1929.)

(No. 2129.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the Ministry for Foreign Affairs dated the 31st December, 1928, respecting the application of Tangier financial legislation to United States citizens.

Paris, December 31, 1928.

Enclosure in No. 21.

French Ministry for Foreign Affairs to British Embassy.

L'AMBASSADE d'Angleterre a bien voulu, par notes du 28 novembre et du 20 décembre, communiquer au Ministère des Affaires étrangères les lettres qui ont été adressées par le consul général de Grande-Bretagne à Tanger, président du Comité de Contrôle, au Commissaire Résident général de France au Maroc, Ministre des Affaires étrangères de Sa Majesté chérifienne, pour le prier de communiquer à l'agent diplomatique d'Amérique à Tanger, d'une part le texte d'une loi votée par l'Assemblée législative internationale afin d'assurer la mise en application immédiate des projets de loi tendant à un relèvement des droits de consommation, d'autre part le texte des projets de loi qui seront présentés prochainement à ladite Assemblée en vue de relever les droits de consommation et les droits de porte. Mr. Gurney priait M. Steeg d'intervenir auprès de Mr. Blake pour que celui-ci demandât à son Gouvernement l'autorisation d'étendre les effets de ces textes législatifs aux citoyens et protégés américains dans la Zone de Tanger.

En indiquant au Ministère des Affaires étrangères que le Gouvernement britannique avait prescrit à son Ambassadeur à Washington d'appuyer auprès du Département d'État les demandes dont Mr. Blake avait dû être saisi par M. Steeg, l'Ambassade d'Angleterre exprimait le désir que des instructions identiques fussent adressées à l'Ambassadeur de la République aux États-Unis.

Le Ministère a l'honneur de faire connaître à l'Ambassade que le Résident général ayant effectivement transmis à l'agent diplomatique d'Amérique les vœux du Comité de Contrôle, il vient d'inviter, par télégramme, M. Claudel à faire auprès du Département d'État une démarche analogue à celle qui a été prescrite à Sir Esme Howard.

Ministère des Affaires étrangères,
Paris, le 31 *décembre* 1928.

[W 202/1/28] No. 22.

Sir R. Graham to Sir Austen Chamberlain.—(*Received January* 7.)

(No. 19.)

HIS Majesty's representative at Rome presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a translation of a *note verbale* from the Italian Ministry for Foreign Affairs, dated the 2nd January, 1929, respecting application to United States nationals of the new taxation at Tangier.

Rome, January 4, 1929.

Enclosure in No. 22.

Note verbale.

(Translation.)

IN reply to *note verbale* of the 24th December the Royal Ministry for Foreign Affairs have the honour to inform His Britannic Majesty's Embassy that the Royal Ambassador at Washington has received instructions to concert with his British colleague with a view to taking similar steps to induce the United States Government to agree to the application to North Amercian subjects at Tangier, as soon as they become law, of any Bills prepared by the administration of the zone for an increase of consumption duties on tea, coffee, sugar, alcohol and beer, as well as the extra tax for right of entry into the zone.

Ministry for Foreign Affairs,
Rome, January 2, 1929 (*Year VII*).

[W 530/1/28] No. 23.

Sir E. Howard to Sir Austen Chamberlain.—(*Received January* 18.)

(No. 52.)

Sir, *Washington, January* 10, 1929.

WITH reference to your despatch No. 1824 of the 18th ultimo, I have the honour to transmit herewith a copy of an *aide-mémoire** which the counsellor of His Majesty's Embassy, on my instructions, left with the Assistant Secretary of State, Mr. Castle, on the 8th instant, requesting the United States Government to authorise the application to United States nationals of the proposed measures providing for increases in consumption duties, &c., in the Tangier zone.

2. For the reasons mentioned in paragraph 4 of your despatch, I considered it preferable to approach the State Department in this manner rather than to address a formal note to the Secretary of State, and I also instructed Mr. Campbell, when handing the *aide-mémoire* to Mr. Castle, to make use of the explanations contained in your despatch as to the difference between the request now made to the United States Government and that put forward in my note of the 7th December last (please see my despatch No. 2393 of that date). For the same reasons, I thought it advisable to explain in the *aide-mémoire* that the assent of the United States Government to the present request would in no way prejudice their decision in respect of the Bill referred to in my note of the 7th December, and to enclose in the *aide-mémoire* the texts of that Bill and of the draft laws which it is now proposed to enact.

3. Mr. Castle told Mr. Campbell that he would expedite as far as possible an answer on all the questions raised in my note of the 7th December and in the *aide-mémoire*. He expressed doubt as to whether the United States Government would be prepared to bind themselves in advance to approve the application to United States nationals in the Tangier zone of any future legislation of the kind in question, especially as they did not look upon the present régime in Tangier with much favour. He thought it probable, however, that, in practice, his Government would on each occasion approve the application of a fiscal law to United States nationals. To make it quite clear, I should add that in saying this, Mr. Castle was not dealing with the question whether the United States Government would agree to the proposal that fiscal laws should be applicable on their introduction and before their enactment.

4. I am informing my French, Spanish and Italian colleagues of my action in this matter.

I have, &c.
ESME HOWARD.

[W 769/1/28] No. 24.

Sir E. Howard to Sir Austen Chamberlain.—(*Received January* 28.)

(No. 112.)

Sir, *Washington, January* 18, 1929.

WITH reference to my despatch No. 52 of the 10th instant and previous correspondence regarding the application to United States nationals of measures providing for increased taxation in the Tangier zone, I have the honour to transmit herewith a copy of a memorandum which I have now received from the State Department to the effect that they are still awaiting a communication on the subject from the French resident-general, made in the established form through the United States diplomatic agent and consul-general at Tangier, and that pending the receipt and examination of this communication, they are unable to act upon the requests contained in my note of the 7th December last and my memorandum of the 7th instant.

2. I shall not fail to recall the matter to their notice in due course.

I have, &c.
(For the Ambassador),
R. I. CAMPBELL.

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* Not printed.

Enclosure in No. 24.

Memorandum.

THE Department of State has received and given its careful consideration to the memorandum of the British Embassy of the 7th January which, after referring to the British Embassy's note of the 7th December on the subject of the proposed draft of a general law affecting the taxation of American citizens and protégés in the Tangier Zone, expresses the hope that the Government of the United States will authorise the American diplomatic agent and consul-general at Tangier to give the approval of the Government of the United States to the application to American citizens and protégés in the zone of four specific draft laws altering certain tax rates in the zone as soon as they shall have become law, assuming of course that they shall have been adopted by the Tangier Administration without amendment.

In passing, it may be said that the delay of the Department in replying to the Embassy's note of the 7th December has been due to the necessity of awaiting the receipt of a communication from the French resident-general in Morocco, made in the established and recognised form through the American diplomatic agent and consul-general at Tangier, regarding the general law to which reference was made in the note of the 7th December. This communication the Department understands is now in transit, and upon its arrival in Washington it will be carefully considered, as will the communications the Department have received or may receive from the signatories to the Revised Statute of Tangier bearing upon the matter.

With regard to the more specific suggestion made in the British Embassy's memorandum of the 7th January to the effect that this Government authorise their representative at Tangier to give this Government's assent to the four particular draft laws to which that memorandum referred as soon as they shall have become law, assuming that they shall have been passed without amendment, the Department likewise feels constrained to maintain its established practice of awaiting receipt of their text with an accompanying request for the consent of this Government to their application to American citizens and protégés in Tangier made in due form from the French resident-general in Morocco through the American diplomatic agent and consul-general at Tangier. When the Department has had opportunity to examine the text of these draft laws received in the manner indicated, it will be prompt to issue appropriate instructions in the premises to the American diplomatic agent and consul-general at Tangier. It is the understanding of the Department that these texts are already on their way to the Department from the American diplomatic agent and consul-general at Tangier with an accompanying formal communication addressed to him by the French resident-general. Accordingly, pending the arrival of these documents and their subsequent examination by the Department, this Government feel unable to act upon the request of the French resident-general in Morocco in the sense suggested by the British Embassy's memorandum of the 7th January.

Washington, January 16, 1929.

[W 1048/1/28] No. 25.

Mr. Gurney to Sir Austen Chamberlain.—(*Received February* 6.)

(No. 27.)

Sir, *Tangier, January* 31, 1929.

WITH reference to your despatch No. 322 of the 19th December last, I have the honour to report that the American Government have agreed to the application to American "ressortissants" of the proposed legislation providing for an increase of consumption duties on certain commodities and the modification of the gate tax.

2. The necessary Bills were finally passed by the Legislative Assembly at a meeting held in December last and were approved by the Committee of Control on the 27th December. Their promulgation was, however, suspended pending the receipt of information in regard to the attitude of the United States Government. Steps are now being taken for their immediate promulgation. The "taxes de consommation" will be applied from to-morrow and the "droits de portes" from the 4th February.

3. The effect of these enactments will be to raise the consumption duty on alcohol from 500 to 750 fr. per hectolitre, that on sugar from 50 to 75 fr. per 100 kilog.,

that on raw and prepared coffee from 50 to 75 fr. and from 70 to 100 fr. per 100 kilog. respectively, and that on tea from 150 to 175 fr. per 100 kilog.

4. The regulations in regard to the gate tax, which again come into force under the new law, were dealt with in my despatch No. 238 of the 22nd December, 1927. As reported in my despatch No. 31 of the 21st February, 1928, they were suspended owing to the impossibility of applying them to Italian and United States citizens.

5. Their effect is generally to suppress the tax on goods going out of Tangier, hitherto a cause of some irritation, to revise the tariff and to apply it to goods entering Tangier by sea as well as to those coming by land.

I have, &c.
HUGH GURNEY.

[W 2176/1/28] No. 26.

Mr. Gurney to Sir Austen Chamberlain.—(Received March 11.)

(No. 44.)

Sir, *Tangier, February 26, 1929.*

WITH reference to your despatch No. 50 of the 11th instant in regard to the application to American *ressortissants* of the increased consumption duties and the revised and extended gate tax, I have the honour to transmit herewith copy of a letter* received from the Acting Resident-General of the French Protectorate enclosing a letter from the American diplomatic agent stating that he had been authorised to consent to the application of these measures on certain conditions.

2. I also enclose a copy of the reply* returned by the president of the Committee of Control through M. Urbain Blanc.

3. Before the receipt of M. Blanc's letter, the Administrator had been unofficially informed by Mr. Blake of the attitude of the United States Government, and it had been arranged that, as reported in my despatch No. 27 of the 31st ultimo, the measures in question should be brought into effect on the 1st and 4th February respectively.

I have, &c.
HUGH GURNEY.

[W 2166/1/28] No. 27.

Sir E. Howard to Sir Austen Chamberlain.—(Received March 11.)

(No. 433.)

Sir, *Washington, March 1, 1929.*

WITH reference to my despatch No. 112 of the 18th January last, I have the honour to transmit copies of two communications which I have now received from the Secretary of State, regarding the application to United States nationals of measures providing for increased taxation in the Tangier Zone.

2. You will see from Mr. Kellogg's note of the 27th February that the United States Government have intimated to the Resident-General in the French Zone of Morocco that they are unable to accede to the request of the Tangier Administration for the application to United States nationals and ressortissants of the proposed general measure relating to consumption duties. Their reply is on the lines forecasted in Mr. Castle's conversation with the counsellor of His Majesty's Embassy, which I had the honour to report in my despatch No. 52 of the 10th January last. Despite the emphasis placed on the fact that the United States Government were in no way being asked to surrender any of their rights in Tangier in the note which I addressed to the State Department in accordance with your instructions, the United States Government base their refusal on the statement that their concurrence in the proposal would involve a radical departure from their established practice in Morocco in conformity with their treaty rights and a substantial alteration of those

* Not printed.

rights. I presume that you will instruct me if you desire further representations to be made to them on this point. I fear, however, that in view of their attitude towards the present administration of the Tangier Zone, as expressed by Mr. Castle to Mr. Campbell, such representations would be of little use.

3. In their memorandum of the 27th ultimo (Enclosure 2 in this despatch), the State Department intimate that the United States Government have consented to the application to United States nationals and ressortissants in the Tangier Zone of the four specific draft laws, copies of which were enclosed in your despatch No. 1824 of the 18th December last.

I have, &c.
ESME HOWARD.

Enclosure 1 in No. 27.

Department of State to Sir E. Howard.

Excellency, *Washington, February 27, 1929.*

I HAVE the honour to refer to your Excellency's note No. 573 of the 7th December, 1928, concerning the desire of the International Administration of the Tangier Zone to secure the consent of the Government of the United States to the application to its nationals of any legislative measures which may be passed increasing existing or introducing new taxation, and particularly of a proposed general measure relating to consumption duties and sometimes referred to as the "Padlock Law." Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, your Excellency expresses the hope of His Majesty's Government that this Government will see its way to comply with a request for such consent made by the Resident-General to the American diplomatic agent and consul-general at Tangier.

I regret to inform your Excellency that, after careful consideration by this Government of the request of the Resident-General for its consent to the application to its nationals and ressortissants of the general measure, this Government has not been able to see its way clear to granting the consent requested, and that the American diplomatic agent and consul-general at Tangier has so informed the Resident-General, in a note which sets forth the position of this Government as follows:—

> "This Government regrets that it does not see its way clear to giving the consent requested by his Excellency, in his capacity as Minister for Foreign Affairs of His Shereefian Majesty, to the application to its nationals and ressortissants of the proposed measure, providing that any draft law submitted by the Administration in connexion with an increase of consumption taxes shall be put into immediate effect. While desirous of facilitating the task of the Administration at Tangier in such manner as may be possible and appropriate, this Government is unable to concur in a proposal such as the contemplated law, which would involve a radical departure from its well-established practice in Morocco in conformity with its treaty rights, and a substantial alteration of those rights. This Government will continue to give the same careful consideration which it has accorded in the past to requests made in accordance with existing treaty provisions for its consent to the application to its nationals and ressortissants of new taxation measures which shall have been definitely adopted by the competent legislative body in Tangier. Furthermore, this Government, if given through the customary channel an opportunity to examine proposed taxation measures, will issue appropriate instructions in advance to the American diplomatic agent and consul-general at Tangier, so that, where possible, its consent to the application of these measures may be given immediately after they have been duly adopted by the competent legislative body in the form submitted to this Government."

Accept, &c.
(For the Secretary of State),
W. R. CASTLE, JR.

Enclosure 2 in No. 27.

Memorandum.

THE Department of State refers again to the memorandum of the British Embassy of the 7th January, which, after reference to the British Embassy's note of the 7th December concerning the proposed general measure, sometimes referred to as the "Padlock Law," of the International Administration of Tangier, expressed the hope of His Majesty's Government that the Government of the United States would see its way clear to authorise the American diplomatic agent and consul-general at Tangier to consent to the application of four specific draft laws, altering certain tax rates to American nationals and ressortissants as soon as the measures should have become law.

The Department of State is pleased to inform the British Embassy that, through the American diplomatic agent and consul-general at Tangier, the consent of the Government of the United States has been given to the application of the four specific laws under reference to American nationals and ressortissants.

Washington, February 27, 1929.

[**W 2180/1/28**] No. 28.

Mr. Gurney to Sir Austen Chamberlain.—(*Received March* 11.)

(No. 50.)

Sir, *Tangier, March* 2, 1929.

WITH reference to my despatch No. 141 of the 7th November last and to subsequent correspondence, I have the honour to transmit herewith copy of a letter* addressed to the president of the Committee of Control by the Resident-General of the French Protectorate enclosing a letter from the American diplomatic agent and consul-general stating that his Government do not see their way to approving the application to American *ressortissants* of the law passed by the International Assembly to the effect that draft laws providing for increase in consumption duties should in future become provisionally effective on their introduction before the Assembly.

2. Mr. Blake adds, however, that the United States Government will continue to give careful consideration to requests for the application of fiscal measures when definitely adopted by the Assembly, and that if an opportunity is afforded of examining proposed measures they will issue appropriate instructions to Mr. Blake, where possible, in advance in order that such measures may be applied immediately after their adoption by the Assembly.

3. This reply may, I think, be regarded as satisfactory.

I have, &c.
HUGH GURNEY.

[**W 2166/1/28**] No. 29.

Sir Austen Chamberlain to Sir E. Howard (*Washington*).

(No. 438.)

Sir, *Foreign Office, March* 15, 1929.

I HAVE received your Excellency's despatch No. 433 of the 1st March regarding the application to United States nationals of measures providing for increased taxation in the Tangier zone, and I shall be glad if you will take an opportunity of thanking the United States Government for having agreed to the application to their nationals of the four specific draft laws increasing certain consumption taxes and the gate tax. You should at the same time add that, while naturally regretting that the United States Government have not seen their way to make applicable to American nationals the general measure providing that any draft law submitted to the Assembly by the Administration in connexion with an increase of consumption duties shall be put into immediate effect, His Majesty's Government greatly

* Not printed.

appreciate, in general, the United States Government's statement of their desire to facilitate the administration of Tangier in every possible way, and, in particular, their most helpful offer to examine in advance the texts—if furnished to them—of any fresh draft laws of this nature with a view to their enforcement at the earliest possible date after their adoption by the International Assembly.

I am, &c.
AUSTEN CHAMBERLAIN.

(d.) The Question of Gambling.

[**W 1306/1/28**] No. 30.

Mr. Gurney to Sir Austen Chamberlain.—(*Received February* 14.)

(No. 32.)

Sir, *Tangier, February* 6, 1929.

I HAVE the honour to report that the Committee of Control considered the question of gambling at its sitting on the 2nd instant, the first which has been held since the protocol came into force and consequently the first to be presided over by the Italian consul-general.

2. The question was brought before us by the Administrator in a letter, of which I enclose a copy herein. As it will be seen, M. Alberge informs us therein of an application for the concession of a monopoly of regulated gambling put forward by an international group. He recalls the fact that the Assembly has passed a resolution in favour of such a scheme. He calls attention to the present scandalous state of affairs resulting from the multiplicity of gaming-houses, over which no control can be exercised, and he points out the importance of taking a definite decision in the matter without any further delay.

3. It will be recollected that when the statute first came into force in 1925 an attempt was made to suppress gambling, as required by the statute in the absence of a unanimous vote of the Committee of Control, but it was not considered possible to do so effectively so long as Italian citizens were not subject to the authority of the Mixed Court, and gambling has been tolerated ever since. The question of regulating it, not only with a view to removing some of its evils but also, and mainly, to provide a source of revenue for the zone, has, however, been considered from time to time.

4. In June 1926 the Committee of Control decided to approach the Governments in the matter, consequent on a unanimous vote by the Assembly in favour of controlled gambling, as reported in Mr. Clive's despatch No. 137 of the 17th June, 1926.

5. In reply to this despatch Mr. Clive was authorised to vote in favour of this proposal if all his colleagues agreed (see Foreign Office despatch No. 206 of the 5th July, 1926). Similar instructions were received from the other Governments concerned, with the exception of that of Belgium, which desired that their representative should absent himself from the meeting at which the proposal was discussed, on the understanding that such absence should not be regarded as invalidating a unanimous decision of the committee—a point of view which was accepted by the other Governments concerned. When the matter came before the committee on the 14th December, 1926, however, it was decided to postpone a decision in view of the fact that it would be useless to regulate gambling without a previous arrangement with the Italian Government, which it did not seem practicable to obtain.

6. The question was mooted again later on, but it was felt that it would be preferable to await the outcome of the impending negotiations for the admission of Italy to the statute, and things have thus been allowed to drift in this unsatisfactory manner.

7. The present position is indeed deplorable, since, apart from the larger establishments, which are comparatively harmless, a large number of small places have sprung up, where the poorer classes, including natives, go and gamble away their wages and even their clothes.

8. Previous to the meeting, I had found that my colleagues were inclined to put off a decision in the matter, as they are anxious to see regulated gambling established, and they feared that, in view of the statements made by the Spanish Government at the time of the recent conference, the necessary unanimity would not be obtainable

They therefore wanted to gain time to allow the influences in favour of gambling to work upon the Spanish Government.

9. When the question came up for discussion I insisted strongly on the necessity of putting an end without delay to the present scandalous state of affairs. I said that I was prepared to agree to an arrangement under which gambling would be allowed under strict regulations, and which would provide for the grant of a monopoly to an international consortium, in which all the countries signatory and adhering to the statute, as well as the United States of America, would be invited to participate. Whatever were decided, however, it was essential that the present gaming-houses should be closed, and it seemed to me that we should be failing in our duty if we did not take advantage of the first meeting attended by our Italian colleague to deal with the evil represented by their continuance.

10. My Spanish colleague thereupon read out the statement made by the Spanish delegates to the recent Paris Conference at the nineteenth meeting held on the 30th May, to the effect that the Spanish Government could not countenance gambling at Tangier, and he said that in consequence of this statement he could not accept a proposal to allow gambling in any form. I enclose a copy of this statement.

11. My French colleague represented that the door was not definitely closed by this statement and urged that the members of the Committee of Control should refer the question to their respective Governments and ask them to approach the Spanish Government in the matter. Pending a decision, he was in favour of a continuance of the present system.

12. A somewhat heated argument ensued between M. de Witasse and myself, but we ultimately agreed upon a compromise, proposed by M. de Facendis and accepted by our other colleagues, to the effect that a delay of two months should be given for the closing of the present establishments, on the understanding that the lower class of gambling dens should be closed by police measures as soon as possible. Meanwhile we would bring the matter before our Governments. In order that we might act on similar lines, M. de Witasse was asked to draw up a statement of the case. I will forward a copy of this document as soon as it is prepared.

13. I agreed to this compromise the more readily because M. Alberge, the Administrator, who had been asked to attend the meeting on my suggestion, represented that it would be almost impossible to close the larger establishments forthwith in view of the popular outcry which such a measure would evoke. It also seemed reasonable that, after they have been tolerated so long, the management should be allowed a little time to adapt themselves to the new conditions.

14. I insisted, however, that no further delay beyond the two months should be accorded, whatever decision might be taken by our Governments, and this understanding is to be clearly recorded in our minutes.

15. It was also agreed that our decision should be communicated not only to the Administration but also to the public, and I enclose a copy of the communiqué issued to the press.

16. The Belgian consul-general withdrew from the table during our discussion, in accordance with the instructions received from his Government as mentioned above.

17. As regards the question of gambling itself, I would personally prefer that we should not have recourse to such an expedient. There is, however, a definite demand for it here, whilst, if properly farmed out, it might produce a considerable revenue, both directly through a percentage of the profits and indirectly by attracting tourists to the place, and if adequately controlled as proposed it need not prove harmful to the inhabitants, who, as at Monte Carlo, would, we suggest, not be allowed to enter the gaming-rooms. I therefore feel that it would hardly be reasonable for the Powers, who have forced so much unnecessary expenditure on Tangier, to deny it this possibility of improving its financial position, and I venture to recommend that the authorisation granted by your despatch No. 206 of the 5th July, 1926, should not be withdrawn. I would also suggest that the Spanish Government should be asked to reconsider the decision announced at the Paris Conference.

I have, &c.

HUGH GURNEY.

Enclosure 1 in No. 30.

L'Administrateur de la Zone de Tanger à M. le Consul général de Grande-Bretagne, Président du Comité de Contrôle, Tanger.

M. le Président, *Tanger, le 8 janvier* 1929.

J'AI l'honneur de vous faire connaître que je suis saisi, au nom d'un groupe international, d'une demande tendant à obtenir, sous un régime de réglementation, le monopole des jeux. Ce groupe s'engagerait à édifier et exploiter un casino et un hôtel de premier ordre et serait disposé, en outre, à assurer à la ville une participation aux bénéfices des jeux.

L'Assemblée législative internationale s'est déjà prononcée en faveur d'une combinaison de ce genre en raison de l'intérêt qu'elle présenterait pour le développement du tourisme et la prospérité des finances de la zone. Par ailleurs, le régime actuel, caractérisé par la multiplicité des maisons de jeux fonctionnant sans aucun contrôle ni aucune garantie et où des ouvriers et gagne-petit européens ou indigènes sont dépouillés journellement de leurs salaires, est purement scandaleux.

Aussi, je me permets de signaler au Comité de Contrôle l'urgence de prendre sur la question des jeux, en suspens depuis juin 1925, une décision définitive.

Veuillez, &c.

Enclosure 2 in No. 30.

Conversations relatives au Statut de Tanger.

Partie du Procès-verbal de la dix-neuvième Séance tenue à Paris le 30 Mai 1928.

QUANT aux jeux de hasard, le Gouvernement espagnol regrette de ne pas pouvoir partager l'avis qui semble être celui de l'Administration de Tanger. D'après les manifestations faites ici par M. Alberge au cours des dernières séances, l'Administration internationale ne croit devoir écarter l'idée d'un possible affermage des jeux de hasard. Eh bien ! le Gouvernement espagnol croit, au contraire, que cette idée doit être éliminée une fois pour toutes et d'une façon définitive.

Il ne nous appartient vraiment pas d'apporter à Tanger, comme un présent bienfaiteur, tout ce que la civilisation européenne a de moins honorable, de plus véreux : les jeux avec toutes les tares qu'ils comportent, avec tout le cortège qu'ils entraînent, l'alcool, les dettes, les usuriers, les filles, les gens sans aveu, les stupéfiants . . . .

M. Sorbier de Pougnadoresse a déjà suggéré en 1923 (voir procès-verbal de la deuxième réunion) que le Sultan se refuserait probablement à admettre n'importe quelle stipulation qui laisserait subsister la possibilité d'une permission accordée officiellement aux jeux de hasard. C'est pour cette raison, c'est pour ménager cette susceptibilité du Sultan, signalée par un spécialiste de la plus haute compétence, que la clause en question (article 52 de la convention) n'a pas été rapportée au dahir chérifien portant organisation de la zone.

Le rôle n'appartient pas, en effet, aux Puissances civilisatrices, protectrices du Maroc, d'aller là-bas, prostituer, empoisonner la vie morale des indigènes.

C'est pour cet ensemble de raisons que le Gouvernement espagnol ne peut pas s'associer à cette idée que l'Administration locale semble voir d'un œil sympathique. Il saisit, au contraire, cette circonstance favorable pour demander par mon entremise que l'on profite de l'occasion qui va nous être fournie par l'adhésion d'une grande Puissance amie pour fermer toutes les maisons de jeu et pour purifier et nettoyer l'atmosphère locale.

* * * * * *

Le Gouvernement espagnol prendrait volontiers et dès maintenant sa part dans l'action de secours et d'appui financier qui, à son avis, devrait être entreprise immédiatement par les Puissances. Le droit de participer dans un régime international doit comporter des devoirs. Le Gouvernement espagnol est prêt à prendre sa part à la charge. Il serait dès maintenant disposé à joindre son effort financier à celui des autres Puissances pour accorder au budget de la Zone tangéroise une subvention fixe qui

faciliterait l'application du nouvel accord, ainsi que la réalisation des réformes les plus pressantes. Le Gouvernement espagnol accorderait sans doute une contribution annuelle de 5,000 livres sterling, chiffre donné d'ailleurs à titre de première indication, de premier offre, mais qui pourrait être augmenté si les autres Gouvernements venaient à le trouver insuffisant.

Le Gouvernement espagnol est fier de prendre l'initiative d'une proposition qui peut assurer l'avenir de l'Administration internationale, qui répond logiquement aux principes essentiels du régime, et qui prouve d'une manière évidente, éclatante, l'intérêt très positif et très réel que le Gouvernement de Sa Majesté éprouve pour tout ce qui pourrait contribuer à la prospérité de Tanger et à l'assainissement de ses finances.

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Enclosure 3 in No. 30.

Extract from the "Dépêche marocaine" of February 3, 1929.

COMITÉ DE CONTRÔLE.

LE Comité de Contrôle s'est réuni le 2 février au consulat général d'Italie sous la présidence de M. de Facendis, consul général d'Italie, président.

Ayant examiné la question des jeux, dont il a été saisi par l'Administrateur, le comité, résolu de mettre fin à l'état de choses actuel, a invité M. Alberge à liquider cette situation dans le délai de deux mois, pendant lequel le comité en référera aux Gouvernements intéressés, en les priant de bien vouloir reconsidérer la question des jeux à Tanger.

[W 3232/1/28] No. 31.

Mr. Gurney to Sir Austen Chamberlain.—(Received April 9.)

(No. 66.)

Tangier, April 2, 1929.

Sir,

AS reported in my telegram No. 11 of to-day's date, the question of gambling came before the Committee of Control to-day on the expiration of the period of two months which the committee decided, at its meeting held on the 2nd February, to allow for the closing of the gambling places.

2. It will be recollected that at this previous meeting my Spanish colleague was the only member of the committee who expressed an opinion unfavourable to controlled gambling. When the proceedings opened on the present occasion, M. de Facendis, the president of the Committee of Control, enquired whether M. Almeida had received any fresh instructions on the subject. M. Almeida replied that the instructions he had received were as indicated in the communication to which reference is made in my telegram No. 8 of the 11th March, and were to the effect that his Government were irrevocably opposed to the regulation or the tolerance of gambling in Tangier. I enclose herein a copy of this communication.

3. M. de Facendis then proceeded to read a letter from the lessee of the "Kursaal français," the principal casino in Tangier, detailing the expenditure which he had incurred in connection with this establishment, and stating that its closing would result in his financial ruin. M. de Facendis also read letters from various hotels and business houses pointing out the extent to which they depended on gambling for bringing tourists to Tangier and the serious financial consequences which would result if gambling were suppressed. I will forward copies of these communications later.

4. M. de Witasse, my French colleague, proposed that in view of these representations a further delay should be granted in which a fresh appeal might be made to the Powers in the hope that the Spanish Government might be induced to modify their attitude. He suggested that a period of a month would be sufficient.

5. I enquired of M. Alberge, who was present at our meeting, what progress had been made in carrying out the decision taken at our previous meeting in regard to the

closing of the lower class of gambling dens. M. Alberge stated that it was difficult, if not impossible, to discriminate between the larger and smaller establishments, but it had been found possible to stop gambling in certain places where drink was sold by threatening to withhold their licences if gambling were allowed. He had also succeeded in preventing Moors from entering such places by taking measures in the name of the Mendoub, and he had put a stop to young persons entering them. In practice, he said, they were now very little frequented by the working classes, whilst the larger establishments were mainly patronised by tourists.

6. I may mention that I have since had confirmation of this from Mr. Blandy, the head of the town police, who states that the gambling rooms in the three large casinos are mainly frequented by tourists and by persons from the French and Spanish zones, and that very few local people visit them. Only three of the smaller gambling houses still remain open and are used to some extent by Spanish and Jewish workmen, but they depended mainly on their Moorish clientèle and now that their patronage has been withdrawn they are likely to close very shortly for want of adequate support.

7. M. Alberge further pointed out that there were very great difficulties in the way of closing the establishments at short notice, and that very large numbers of people were interested in their maintenance.

8. My colleagues, with the exception of M. Almeida, felt that in the circumstances it would be desirable, if possible, to adopt M. de Witasse's proposal with a view at any rate to gaining time. M. Almeida stated, however, that in view of his instructions he felt unable to agree to any further delay and could not vote for any resolution in such a sense. M. de Witasse thereupon suggested that, in the circumstances, we might take a majority vote. M. Almeida, who was evidently loath to insist on the immediate stoppage of gambling, did not demur to that suggestion, but I dissented strongly from it myself and insisted that any decision on the subject must be unanimous. Apart from other considerations, I felt that the Spanish Government would have a legitimate right to complain if, in spite of its declared views on the subject, the Committee of Control were to permit what could not be regarded as otherwise than an infringement of article 52 of the statute.

9. A solution of the difficulty was ultimately proposed by M. Barjona, the Portuguese consul-general, who suggested that we should merely adjourn the discussion. M. Almeida raised certain objections even to this course, but he ultimately agreed to submit to his Government the motion of which I enclose a copy herein and which I have reported in my telegram above mentioned.

10. A further meeting will be held when he receives the instructions of his Government as to whether he can accept this motion or not. I have had the honour to enquire in my telegram whether it meets with your approval. If it is accepted by the committee it will have the effect of postponing a decision for an indefinite period whilst the Powers are again consulted, and meanwhile the present régime will continue.

11. In view of the instructions contained in your telegram No. 9 of the 30th March, I took as little part in the discussion as possible. I did not feel at liberty, nor was it necessary, to disclose the fact that I was not in a position to vote either for or against controlled gambling, and as I was not aware whether you desired me to insist on the immediate discontinuance of the existing uncontrolled system as arranged at our previous meeting, it seemed to me that the only course open to me was to gain time by agreeing to an adjournment. If, furthermore, I had insisted on the immediate stoppage of gambling, the whole odium for such a very unpopular measure would have fallen on me, in view of the supine attitude of my Spanish colleague, and I felt that it was desirable that if it were to be done he should at any rate share such odium with me. As matters are now arranged the initiative rests with him.

12. I would point out in this connexion that the principal hotels are in British hands and that they will suffer heavy losses if the tourist traffic is reduced, as it may be if gambling ceases.

13. On the other hand, as shown above, the position has much improved as a result of my representations at and since the last meeting, and pressure can, Mr. Blandy thinks, be brought to bear on the casinos with a view to the further restriction of the right of access to the gaming rooms—they are, indeed, already themselves exercising a certain measure of control. I therefore view with comparative equanimity the prospect of a further continuance of the present régime if the Spanish Government agree to a reconsideration of the question.

14. I may further mention that one of the casinos is owned, though not managed, by an American "ressortissant," who, Mr. Blandy tells me, is reported to be ready to

operate the business himself if gambling is prohibited by the international administration. Mr. Blake, my American colleague, has repeatedly informed me that he would not countenance such action on the part of one of his "ressortissants," but it is doubtful whether he would have any legal power to prevent it, and if active steps are ultimately taken to put a stop to gambling it will be necessary to act with Mr. Blake in the matter, otherwise we may have a repetition of what occurred when a similar attempt was made in 1925, when the gambling places which were closed when the statute first came into force were immediately reopened by Italians.

I have, &c.
HUGH GURNEY

Enclosure 1 in No. 31.

M. Almeida to M. de Facendis.

Tanger, le 9 mars 1929.

M. le Président et cher Collègue,

J'AI l'honneur de porter à votre connaissance que, d'après les instructions que je viens de recevoir du Gouvernement de Sa Majesté catholique, celui-ci me confirme son avis irrévocablement opposé à la réglementation ou à la tolérance des jeux de hasard à Tanger.

En conséquence, je me permets de vous signaler instamment l'urgence d'un rapide et exact accomplissement de l'accord pris par notre comité dans la deuxième séance tenue le 2 février dernier concernant la clôture des tripots dans le délai de deux mois qui a été fixé afin de liquider cette question.

Je vous confirme, en même temps, la ferme opposition du Gouvernement de Sa Majesté, mon auguste Souverain, à toute réglementation tendant à autoriser les jeux de hasard à Tanger.

Veuillez, &c.
Ministre plénipotentiaire, Consul général d'Espagne,
BERNARDO ALMEIDA.

Enclosure 2 in No. 31.

Motion proposed at Meeting of Committee of Control.

LE comité, ayant examiné à nouveau la question des jeux, a pris connaissance de diverses représentations qui lui ont été adressées par le commerce local.

Il a décidé de transmettre ces communications aux Gouvernements intéressés, pour leur permettre de se prononcer en pleine connaissance de cause.

Il est d'autant plus porté à faire cette nouvelle démarche que les résultats obtenus au cours du délai prévu à la séance du 2 février pour assainir le régime des jeux lui paraissent satisfaisants.

Tanger, le 2 avril 1929.

[**W 3369/1/28**] No. 32.

Mr. Gurney to Sir Austen Chamberlain.—(*Received April* 12.)

(No. 70.)

Tangier, April 6, 1929.

Sir,

WITH reference to my telegram No. 12 of to-day's date, I have the honour to transmit herewith copy of the statement* read out by my Spanish colleague when the question of gambling again came up for discussion in the Committee of Control this morning.

2. It will be seen that the Spanish Government insist on the strict fulfilment of article 52 of the Statute and are only prepared to agree to a postponement of its application for a further period of one month.

* Not printed.

3. In view of the fact that unanimity is necessary for any abrogation of the prohibition of gambling laid down in that article, the Spanish Government are within their rights in demanding that its application should not be further deferred. The Committee of Control accordingly adopted the enclosed resolution* which will be communicated to the Administrator and to the press.

4. It remains to be seen whether it will be found possible to ensure that the existing gaming houses are closed by the 2nd May as required by this resolution.

5. My French colleague, who is very anxious that controlled gambling should be permitted, has not abandoned the hope that the Spanish Government may be induced to modify their attitude before the expiration of this delay, and he would have liked to postpone any pronouncement on the part of the Committee of Control. M. Almeida, however, insisted that matters could not remain as they are, and M. de Facendis supported him in this, representing that it was not compatible with the dignity of the Committee of Control to leave any doubt as to their attitude in this matter, a view in which I entirely concurred.

6. It was fortunately not necessary for me to express any opinion either for or against the principle of controlled gambling, but on my French colleague asserting that the Spanish representative was alone opposed to it, I pointed out that as no division had been taken it was by no means certain that the rest of us were all in favour of it.

7. As stated in my telegram above mentioned, so far as I am aware the instructions of my colleagues have not been modified since the date of my predecessor's despatch No. 182 of the 3rd August, 1926, and I understand that in addition to the French, Portuguese and Dutch consuls-general, my Italian colleague is also authorised to vote in favour of the withdrawal of the prohibition. As reported in that despatch, the Belgian consul-general is required to withdraw when the question comes up for discussion in order not to make it impossible to obtain unanimity in spite of the fact that the Belgian Government are opposed in principle to gambling.

8. I also enclose copies of the communications* mentioned in the third paragraph of my despatch No. 66 of the 2nd April.

I have, &c.
HUGH GURNEY.

[**W 4639/1/28**] No. 33.

Mr. Gurney to Sir Austen Chamberlain.—(*Received May* 13.)

(No. 85.)

Tangier, May 6, 1929.

Sir,

WITH reference to my despatch No. 70 of the 6th ultimo, I have the honour to report that gambling ceased in all establishments at Tangier at midnight on the 2nd instant in pursuance of the decision of the Committee of Control to insist on the strict application of article 52 of the Statute.

2. As you are aware, this decision had been notified to the administrator, who, in turn, instructed the head of the police that from the 3rd instant any breaches of the article of the Penal Code which deals with this question should be prosecuted in accordance with the law.

3. The action of the authorities in this matter has so far not given rise to any trouble, and the casinos where other amusements besides gambling were carried on have not closed their doors but are still conducting cinema and other entertainments. It is reported, however, that they are preparing to reopen the gaming rooms in the form of clubs, and it remains to be seen what action it will be possible to take to insist on a strict fulfilment of the prohibition of gambling provided for by the Statute. The matter will no doubt be considered by the Committee of Control at its next meeting. At this meeting my Italian colleague, as president, proposes to submit to us a draft letter to be addressed to the American diplomatic agent and consul-general notifying him of the closure of the gaming establishments, and expressing the hope that his Government may see their way to support the steps taken in this matter by the international Administration.

* Not printed.

4. Mr. Blake has assured M. Facendis and myself privately that, so far as he is concerned, he will not countenance the opening of gaming establishments by his compatriots, and he is ascertaining from his Government what power he has to take legal action in the matter should the occasion arise.

I have, &c.
HUGH GURNEY.

(e.) Constitution of New Gendarmerie.

[**W 900/1/28**] No. 34.

Mr. Gurney to Sir Austen Chamberlain.—(Received January 31.)

(No. 22.)
Sir, *Tangier, January* 26, 1929.

I HAVE the honour to report that steps are now being taken to constitute the new gendarmerie. The initiative was taken by the Committee of Control who decided at their last meeting, when the dahirs bringing the protocol into force were examined, to request the Administrator to proceed with its formation in accordance with the provisions of that instrument.

2. Major Miguel, at present instructor of Tabor No. 2, has been selected by the Spanish Government to command the force, whilst Lieutenant Candille, a gendarmerie officer now attached to Tabor No. 1, is to be second in command, presumably with the rank of captain.

3. M. Alberge has already been preparing the text of the necessary regulations, based, as provided in the protocol, on the principles common to the regulations of the French gendarmerie and the Spanish "Guardia Civil," and he has since been discussing this text with Major Miguel. He states that he has found the latter very conciliatory and ready to fall in with his suggestions. One of the points on which he feared that there might be a difference of opinion was that of the maintenance of the posts which had been established by the old French Tabor in various parts of the zone. M. Alberge tells me, however, that Major Miguel has expressed his readiness to agree to his proposals for the abandonment of this system and the adoption of a system of patrols instead.

4. A difference of opinion may arise in regard to the question of the pay of officers. Major Miguel has submitted proposals similar to those contained in the draft budget presented to the experts in Paris at the sitting held on the 6th July last as reported in Paris despatch No. 1175 of the 7th July. They are based on the scale adopted in the Spanish Tabor. This scale, however, is a good deal higher than that applied to officials of the Tangier Administration, and if it were accepted it must inevitably give rise to demands for increases of salary on the part of those officials. Both M. Alberge and Mr. Dicken hold, therefore, that these proposals cannot be accepted as they stand and that the figures must be considerably reduced. Mr. Dicken came to see me about it this morning and, after discussing the matter with M. de Witasse and M. Alberge, we all agreed that the best plan would be for M. de Witasse to talk the matter over with M. Pla, the Spanish consul-general, and try to come to an understanding with him.

5. In this connexion I may recall that under the protocol any expenditure incurred during the present year in connexion with the gendarmerie in excess of the 1,500,000 fr. voted by the Assembly is to be defrayed by the French and Spanish Governments. It seems desirable, however, that a preliminary agreement should be reached with these Governments in regard to the total expenditure before the detailed budget for the gendarmerie is submitted to the Assembly, in order to ensure that the necessary sums will be forthcoming from those Governments in due course.

6. Some difficulty may also arise in regard to the question of discipline. It is provided in article 11 of the gendarmerie regulations as amended by the protocol that the commandant and second in command "shall exercise over the officers and the non-commissioned officers of their own nationality the authority conferred on them by the regulations in force in their respective armies," whilst if the commandant has any complaint to make of the officers and non-commissioned officers not of his nationality, he can only submit it through the Administrator to the consul of the nationality to which the officer concerned belongs. As the Administrator points out, this means that the

gendarmerie will in practice be divided into two separate sections, a French one and a Spanish one. Major Miguel, on the other hand, asserts that the experts agreed at their 30th meeting upon quite a different arrangement which overrides the provisions o f he protocol. This seems on the face of it unlikely, but as neither M. de Witasse nor I have received the *procès-verbal* of this sitting we are unable to verify the accuracy of Major Miguel's statement.

I have, &c.
HUGH GURNEY.

[**W 900/1/28**] No. 35.

Foreign Office to Mr. Gurney (Tangier).

(No. 48.)
Sir, *Foreign Office, February* 8, 1929.

WITH reference to your despatch No. 22 of the 26th January last, I am directed by Secretary Sir Austen Chamberlain to inform you that he has learned with satisfaction that the steps which are being taken to constitute the Tangier gendarmerie, in accordance with the provisions of the protocol of the 25th July last, are proceeding smoothly.

2. The salaries at present paid to the officials of the Tangier Administration are undoubtedly low in comparison with the salaries of similar Government officials elsewhere, and it is to be hoped that it may be possible at some future date to provide for a more adequate remuneration. The financial resources of the zone will not permit of any such increase at present, and the Secretary of State trusts that it will be possible to fix the salaries of the officers of the gendarmerie on a scale corresponding to that adopted for the other officials of the zone. Any higher scale would promote discontent among the civilian personnel if it did not give rise, as you suggest, to a demand for an all-round increase of pay.

3. In regard to the matter raised in paragraph 6 of your despatch, you will by this time have received the *procès-verbal* of the thirtieth meeting of the Tangier experts, at which the question of the discipline of the gendarmerie was discussed. You will see that it was agreed that the provisions of article 11 of the gendarmerie regulations should not be interpreted as implying the division of the gendarmerie into two sections—Spanish and French. The French captain, lieutenants and non-commissioned officers are to be regarded as subordinate to the Spanish commandant, while the Spanish lieutenants and other ranks are similarly to be subordinate to the French captain. In fact, except in so far as concerns the right of the commandant to report to the Administrator regarding the French officers and non-commissioned officers, the gendarmerie is to be regarded as any ordinary homogeneous force of one nationality. The Secretary of State attaches importance to the maintenance of this principle, and trusts that it may be borne in mind during the discussions now going on between the Administrator and Major Miguel.

I am, &c.
R. H. CAMPBELL.

(f.) Miscellaneous.

[**W 335/335/28**] No. 36.

Mr. Gurney to Sir Austen Chamberlain.—(Received January 11.)

(No. 1. Confidential.)
Sir, *Tangier, January* 1, 1929.

I HAVE the honour to transmit herewith my annual report on the heads of foreign missions at Tangier.

I have, &c.
HUGH GURNEY.

Enclosure in No. 36.

Report on Heads of Missions at Tangier.

[The passages marked with an asterisk (*) are reproduced unaltered from last year's report, and those marked with a dagger (†) are taken from last year's report with emendations or additions.]

United States of America: Hon. Maxwell Blake, diplomatic agent and consul-general.

*Mr. Blake has been here since 1913 with the exception of the period between 1922 and 1925, which he spent on missions in Australia and Albania. I have found him both as friendly and as outspoken as my predecessor did. His outspokenness is, indeed, often embarrassing, almost equally so whether it leads him to disparage his own country, to laud the characteristics of the British race, or to decry the incompetence of the Spaniards. (Written in 1927.)

He has no wish for his country to adhere to the statute, and he clings tenaciously to the rights derived from the Act of Algeciras. At the same time he disclaims all desire that his "ressortissants" should enjoy a privileged position, and expresses his intention to see that they do not abuse the immunity which they can claim from the enactments of the International Administration. He is not easy to deal with on the Spartel Lighthouse Commission, as he has a rooted dislike of committee meetings, partly perhaps owing to his imperfect knowledge of the French language which makes it difficult for him to follow or join in our discussions.

He is married to a lady of Gibraltarian origin

**Belgium:* M. Maurice Watteeuw, consul-general since 1925.

He was previously consul-general at Kobe and consul at Sydney. He is jovial and good hearted, and anxious to avoid rather than create difficulties. Although not clever, he plays quite a useful part in the Committee of Control, and whilst he seldom or never takes the initiative, he usually adopts a fairly sound and conciliatory view on the matters brought before us, although with a bias towards the French point of view.

He is married, and both he and his wife talk excellent English and are fond of golf. (Written in 1927.)

†*France:* M. Paul de Witasse, consul-general since December 1926. With personal rank of Minister Plenipotentiary.

M. de Witasse, who is in the French Consular Service and is directly attached to the Administration of the French Zone of Morocco, has spent most of his career in the Near East, having served at Cairo, Genoa, Smyrna and Alexandria. He has also been employed at the residency-general at Tunis, and before coming here had been in charge of the Oudja district of French Morocco, where he acquired the reputation of an able administrator. He is a pleasant colleague to work with, combining as he does French wit with a good deal of common sense, and we get on very well together. He seems genuinely anxious to make the statute a success, and not to put French interests unduly in the foreground. He has a difficult colony to deal with, and though he was warmly welcomed by them on arrival I believe that, like his predecessor, he is not now very popular with them.

He is married, and both he and his wife speak fairly good English and are devoted to golf. (Written in 1928.)

He was given the rank of Minister Plenipotentiary in October 1928.

**Holland:* M. F. Gerth van Wijk, consul-general since January 1925.

He was previously consul in Moscow, Petrograd and Zurich. As stated by my predecessor, he is a sound and friendly colleague. Though never assuming a prominent part in discussions, he can be relied upon to take a reasonable and unprejudiced view of matters dealt with by the Committee of Control. His business-like and tactful qualities have led to his appointment as representative of the

Committee of Control on the Port Commission. He speaks several languages fluently, including English.

He is married to a lady of Italian origin. (Written in 1927.)

He was given the Legion of Honour in 1927 on the recommendation of the French consul-general ostensibly for his services on the Port Commission.

Italy: M. D. de Facendis, consul-general since October 1928, with personal rank of Minister Plenipotentiary.

M. de Facendis was Minister at Tehran before coming here, and he had previously served in some consular posts in South America and Albania as well as at the Italian Legation at Athens. He appears to have acquired a reputation for anglophobia at the latter post, but I have seen no signs of it here, and my relations with him are very friendly. I have found him intelligent and reasonable in the dealings which I have had with him, and it is to be hoped that he will continue to display these qualities when he assumes the presidency of the Committee of Control, as it has been arranged that he shall do as soon as the new protocol comes into force.

He is quiet in manner and does not shine, particularly socially. He has an agreeable wife.

Portugal: M. Gastão Barjona de Freitas, consul-general since June 1928.

M. Barjona was here a good many years ago and has since occupied consular posts in South America as well as at Cardiff and Amsterdam. Though mild mannered as a rule and anxious to promote peace and harmony, he occasionally shows an irritating obstinacy over trifles, and his interventions in the Committee of Control and the Spartel Lighthouse Commission are on the whole not much more practical or effective than those of his predecessors. Socially his sympathies are rather markedly with the Jewish section of the community with which he maintains close relations. He speaks good English and is married to an American lady.

**Spain:* Don Antonio Pla y da Folgueira, consul-general with the rank of Minister Plenipotentiary since 1925.

M. Pla, who was formerly at the Ministry of State at Madrid, and is in the Spanish Diplomatic Service, is sedate, silent and correct, but not very intelligent. Though not actively obstructive, he does nothing to facilitate the working of the statute, and he contributes little to our discussions in the Committee of Control, where he generally plays a very passive part, in striking contrast to M. Espinos, who acts as consul-general in his absence, and does his best to stir up trouble on such occasions.

He is not married. (Written in 1928.)

**Sweden:* M. Carlos Dahl, trading consul-general.

As he is not a career consul-general, M. Dahl does not sit on the Committee of Control.

He is of a retiring disposition, and one sees but little of him. (Written in 1928.)

[W 1413/1/28] No. 37.

Mr. Gurney to Sir Austen Chamberlain.—(Received February 18.)

(No. 34.)

Sir, *Tangier, February 11, 1929.*

WITH reference to my despatch No. 29 of the 2nd instant, I have the honour to transmit herewith a further article in regard to the Tangier Administration which has appeared in the "Tangier Gazette."*

* Not printed.

2. It will be recollected that the author promised in his last article to provide a solution for the financial difficulties to which he had called attention. The remedies which he now suggests are—

(1.) The authorisation of controlled gambling;
(2.) The creation of a free port; and
(3.) The grant of a loan by the Powers on favourable terms for the completion of the port and for urban development.

He also speaks of "justice" "in the matter of administrative costs," though he does not explain what he means by this.

3. As regards these proposals, I have already dealt with the question of gambling in my despatch No. 32 of the 6th instant.

4. The creation of a free port is not a new idea, and I think myself it might be a great advantage, not that the whole of Tangier should become a free port, but that a portion of the harbour should be devoted to such a purpose as is done with great success at Copenhagen. Tangier might, perhaps, in this way build up a considerable entrepôt trade, but this is no doubt a question rather for the future, when the harbour has been constructed.

5. A further loan will certainly be required to complete the harbour, but whether or not it is desirable to raise at the present juncture a loan for urban development is a matter which would require careful consideration.

6. It will be seen that the same issue of the "Tangier Gazette" contains a statement to the effect that the British Chamber of Commerce consider that a practical solution of the existing situation at Tangier could be reached by the nomination of a small non-political international commission of experts to study the question on the spot and report on the number of officials actually needed by the zone. They suggest that any additional officials imposed upon the zone by foreign Governments should be paid for by those Governments.

7. The campaign thus initiated by the British Chamber of Commerce appears to have been approved by the Spanish and International Chambers, and the Spanish newspapers warmly support it. The French Chamber has not yet expressed an opinion, nor has the local French newspaper made any editorial comment. The latter prints to-day, however, an article, signed "E. de L.," in which, whilst welcoming this new sign of life on the part of the Tangier community, the author deprecates pushing the matter too far, and suggests that the evil of which complaint is made is more apparent than real.

8. As regards the present financial position, Mr. Dicken tells me that the customs revenue for December and January shows an appreciable increase over the corresponding period of the previous year, whilst the returns for December showed that a smaller sum was payable to the Spanish zone in respect to customs receipts than would have been the case under the old arrangement. The new consumption duties and gate tax are also being paid without demur, and they should bring in an increased revenue.

I have, &c.
HUGH GURNEY.

[**W 5800/1/28**] No. 38.

Mr. Gurney to Sir Austen Chamberlain.—(*Received June* 14.)

(No. 110.)

Sir, *Tangier, June* 3, 1929.

WITH reference to your telegram No. 17 of the 28th ultimo, I have the honour to report that the International Legislative Assembly was dissolved at a special meeting held on the 29th ultimo, when the Mendoub delivered a short speech, of which I enclose the text.*

2. My colleagues and I agreed that our nominations for the new Assembly should be communicated to the Mendoub on the 1st June, and I accordingly addressed the necessary note to his Excellency on that date. I, at the same time, officially notified each member of his appointment, adding, in the case of Lieutenant-Colonel Ellis and M. Abensur, an expression of my appreciation of the services rendered

* Not printed.

by them during the past legislative period. I have conveyed a similar expression of appreciation to Mr. Irwin, who did not desire to be reappointed.

3. I should have mentioned in my despatch No. 99 of the 21st ultimo that Mr. Kirby Green, who I recommended for appointment in place of Mr. Irwin, has not been officially resident here for the full period of twelve months required by the statute as a qualification for membership of the Assembly. He has, however, owned property here for a couple of years, members of his family have been established here for a long time past, and he has himself come here regularly whilst on leave. In the circumstances I feel no hesitation in putting forward his candidature, particularly in view of the fact that in the case of Lieutenant-Colonel Ellis it was held by the Foreign Office that the circumstance that he had owned land in the zone for some years was sufficient qualification, in spite of the fact that he had been resident here for a few months only at the time of his appointment.

4. In the case of Mr. Green, I have ascertained that neither the Administrator nor my colleagues see any objection to the appointment.

5. Various methods have been employed by my colleagues in the selection of their members. The French consul-general asked the different French organisations, commercial and political, to submit to him the names of candidates. As a result the various bodies held a kind of joint election, and a list was published showing the number of votes given for the candidates. M. de Witasse did not, however, adhere strictly to it, and whilst the first three in the list have been appointed, the fourth French member figures only sixth upon it.

6. The Italians also held an election of some kind when the members were first appointed at the beginning of this year, and my Italian colleague appointed the persons whose names were submitted to him.

7. The Spanish consul-general held no election, and I do not know that he has consulted his community in any way.

I have, &c.
HUGH GURNEY.